

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 8:32 P.M. on Wednesday, July 20, 2011

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 Chair Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted.
4. Roll

a. Board of Supervisors

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|-----------------------------|---------|
| Chair Luebke | PRESENT |
| Supervisor Lettau | PRESENT |
| Supervisor Grundman Erdmann | PRESENT |
| Supervisor Schmidt | PRESENT |
| Supervisor Geise | PRESENT |

b. Staff

| | |
|--------------------------------|---------|
| Administrator Johnston | PRESENT |
| Clerk Nester-Huebner | PRESENT |
| Treasurer Bowen | PRESENT |
| Public Works Foreman Pamentner | ABSENT |
| Town Engineer Madsen | PRESENT |

II. Public Hearing:

A. No Public Hearings

III. Approval of Minutes:

A. Special Town Board Meeting at Clayton Cemetery – July 6th, 2011

MOTION: (Unanimous consent) Approve the Special Town Board Meeting at Clayton Cemetery minutes of July 6th, 2011, as written.
CARRIED.

B. Regular Town Board Meeting – July 6th, 2011

MOTION: (Unanimous consent) Approve the Regular Town Board Meeting minutes of July 6th, 2011, as written.
CARRIED.

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

Please complete the “Request to Speak at Meeting” form located on the agenda/sign-in table and submit to the Town Clerk. Non-Agendized Town-Related Matters: Pursuant to Wis. Stats. 19.32(2) and 19.84(2), the public may present matters; however, limited discussion may occur but no action may be taken until specific notice of the subject matter of the proposed action can be given.

A. No open forum items

V. Correspondence:

- A. Congressman Tom Petri – Government Grants and Program Assistance Conference on Monday, August 15th, 2011
- B. Winnebago County Solid Waste Board CY 2011 Recycling Tonnage Report

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

- A. County Supervisor Report
 - 1. No County Supervisor present
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - 1. No Deputy present
- C. Clayton-Winchester Fire Department
 - 1. No CWFD member present
 - 2. Topics: 53 calls year-to-date; quarterly report
- D. Administration Comments
 - 1. Administrator: Larsen Road Project update – Town of Menasha and the Town of Clayton crew will be working on the ditch on the north side of the road, will be doing about 75 feet of ditch that sits in front of the pipe, ditches are draining on the north side, the Breaker field on the south side is virtually dry where they haven't been able to plow for years, will be following up on the restoration work, Public Works Foreman has cut the road's soft spots out and next week they will back fill and pave the soft spots; stop sign on the northwest corner of CTH II and Oakwood Avenue was apparently cut down with a hatchet
 - 2. Clerk: Attended the Clerk/Treasurer Institute last week
 - 3. Treasurer Bowen: no report
 - 4. Public Works Foreman: no report
 - 5. Engineer: Asphalt Paving Program update – all asphalt down in the 4 subdivisions
 - 6. Chair Luebke: Email sent to Mark Luebke from Greg and Laurie Wisnefske (complaint), Communication from Jake Kraus (thank you), budget working sessions
 - 7. Supervisor Lettau: Fire Numbers, Babcock Lane doesn't have one, one is lying down at CTH T/Oakridge Rd.; June, 2011, Recycling statistics
 - 8. Supervisor Grundman Erdmann: no report
 - 9. Supervisor Schmidt: no report
 - 10. Supervisor Geise: no report

VII. Licenses and Permits:

- A. No Licenses and Permits

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

Plan Commission Chair, Dick Knapinski, presented the Plan Commission Referrals.

- A. Plan Commission referral and recommendation on a Conditional Use Application for an AT &T Mobility cell tower site to be located on leased land at 9198 Oakwood Avenue, Neenah, WI 54956, Tax ID # 006-0311.

1. Staff Comments

- a) The Conditional Use Application as presented is complete and accurate.
- b) Based upon a review of the Town's requirements, the application meets the requirements of the Code and with some minor conditions merits approval.
- c) Staff has the following comments on the application as it relates to the Town's Site Plan Ordinance:
 - 1) The site is hidden from view by the farm structures on the property making any landscaping, visual screening, and buffer screening of the site unnecessary.
 - 2) Given the location of the site, the fencing is intended to provide security for the equipment located at the site, not to screen the site, making the barbed wire and chain link fencing the most practicable way to achieve the security goal of the fence.
 - 3) The access from Oakwood Avenue is from an existing agricultural access point.
 - 4) The access point is still going to be used for agricultural purposes; however, the access culvert on Oakwood Avenue should meet the Town Access and Culvert Policies (minimum of 18 inches in diameter with end walls).

2. Plan Commission Recommendation

- a) The Plan Commission has recommended approval of the Conditional Use Application for an AT &T Mobility cell tower to be located on leased land at 9198 Oakwood Avenue, Neenah, WI 54956, Tax ID # 006-0311 with the following conditions:
 - 1) The Applicant pays all fees associated with the Town's Conditional Use Application.
 - 2) The Applicant applies for and installs a new culvert on the Oakwood Avenue access to the ingress/egress easement for the site.
 - 3) The Applicant improves the access road to a compacted gravel driveway in order to minimize the material being tracked onto the Town's Roads.
 - 4) The Applicant installs any and all lighting on the cell tower required by the Outagamie County Airport Overlay Zoning Ordinance, the Wisconsin Bureau of Aeronautics, and the Federal Aviation Administration.
 - 5) The applicant has all Town and County permits, including building permits, in place prior to the start of construction.
 - 6) The project is approved by any and all units of government having jurisdiction prior to the start of construction.

MOTION: (Lettau, Schmidt) Approve the Conditional Use Application for an AT&T Mobility cell tower to be located on leased land at 9198 Oakwood Avenue, Neenah, WI 54956, Tax ID # 006-0311, along with the Plan Commission and Administration conditions.

CARRIED by unanimous voice vote.

- B. Plan Commission referral and recommendation of the final recommendation from the Airport Zoning Overlay Zoning ADHOC Committee to the Outagamie County Committees of jurisdiction and the Outagamie County Board, to include the proposed changes to the Outagamie County’s Airport Zoning Overlay Ordinance, the Airport Zoning Overlay Ordinance Code enforcement decision Matrix and the Airport Zoning Overlay Ordinance Map.
1. The Airport Zoning Overlay ADHOC Committee’s recommendations have been forwarded to the Outagamie County Committees of jurisdiction and the Outagamie County Board.
 2. The Committees of jurisdiction, the Outagamie County Board, and County Planning Staff will be scheduling the statutorily-required procedure for adopting the revised Airport Overlay Zoning and associated documentation.
 3. Plan Commission Recommendation
 - a) Staff is to notify residents in the Airport Overlay Area that the Committee’s recommendations are available at the Town Hall or on the Town’s Internet Home Page.
 - b) Staff would advise the residents of the Public Hearing process the County will be following.
 - 1) The recommended notice to the residents would be in the form of a postcard mailing.
 - c) Should the Board agree with the Commission’s recommendations, a motion would be in order to direct staff to post the Committee’s documents on the Town’s Home Page and to prepare and mail the notice to residents in the Overlay Zoning Area.

MOTION: (Unanimous consent) Direct staff to follow through with the Plan Commission recommendations.
CARRIED.

IX. Business:

- A. Discussion/Action: Town Board review and recommendation of a staff report and draft Resolution Amending the Town’s Ordinance setting speed limits on certain specified Town Roads (Hickory Avenue from CTH ”II” to Fairview Road).
1. The Town Board received a copy of the Petition from the residents of Hickory Avenue between CTH “II” and Fairview Road.
 2. Hickory Avenue is a one-mile long section of Town road that extends CTH “T” from CTH “II” to Fairview Road.
 3. The Town Board also received copies of the material related to staff’s report on the Petition.

4. Staff Report:

- a. Under most circumstances State Statutes allow a Governing Body to reduce the speed limits of thoroughfares under its jurisdiction.
- b. Statutes require that the State Department of Transportation (DOT) approve speed limit reductions below 45 miles per hour.
- c. In this case the DOT would have to approve the speed limit reduction.
- d. Please be advised that the DOT approval is a formality since the DOT has taken the position that it will not routinely review notices of speed limit reductions.
- e. DOT standards for speed limits are based on an Engineering and Traffic Investigation.
- f. The main elements of an Engineering and Traffic Investigation are the number of access points (an average of 5 access points per 1,000 feet of roadway), traffic counts and circumstances unique to the roadway.

5. The Staff report shows the following:

a. Extant Conditions

- i. The section of roadway consists of Hickory Avenue from CTH "II" to the southern bridge ramp of USH "10".
- ii. The section of roadway consists of approximately 3,300 feet (from the south side of the USH "10" ramp to the intersection of CTH "II").
- iii. The section of roadway has 1 public roadway intersection (a T intersection at Umland Road).
- iv. The section of roadway has 10 active driveways (see attached photographs).
- v. Umland Road is an approximately 3,700 foot long dead-end road with 12 housing units that must use Hickory Avenue for ingress and egress purposes.
- vi. The section of roadway has an additional 5 farm access points (these are not counted for the purposes of this Report).
- vii. The CY 2007 County traffic counts at the intersection of CTH "II", and CTH "T" show an average daily traffic of 2,600 vehicles on CTH "II" and 970 vehicles on CTH "T"; the County did not count the traffic on Hickory Avenue. However, it is reasonable to assume that the bulk of the traffic on CTH "T" turns onto CTH "II".
- viii. The speed limit on Hickory Avenue from the south side of the USH "10" ramp to the intersection of Fairview Road was set at 35 MPH at the request of the State DOT. This request was based on a safety concern caused by the grade of the bridge ramps.
- ix. The speed limit on Hickory Avenue from the south side of the USH "10" ramp to the intersection of CTH "II" is set at 45 MPH.

b. Speed Limit Warrants

i. Access Points

- a) The section of roadway does not meet the warrant requirement of an average 5 per 1000 feet of roadway ($10 / 3,300 = 3.3$ access points per 1,000 feet of roadway).

- However, consideration must be given to the fact that Umland Road residents must use Hickory Avenue as their only access point.
- ii. Extant Speed Limits
 - a) At the DOT's request the speed limit from the south ramp of the USH "10" overpass to Fairview Road is set at 35 MPH.
 - b) The Town has set the speed limit from the south ramp of USH "10" overpass to CTH "II" at 45 MPH.
 - c. Traffic Conditions
 - i. Hickory Avenue is a 1-mile local road connector that has a limited amount of through traffic. The bulk of the traffic on the road is likely generated by the residents of Umland Road who use Hickory Avenue as their only access.
 - ii. The traffic on Hickory Avenue is primarily residential and at certain times of the year there is significant agricultural traffic. The Town also generates a fair amount of truck traffic at the yard waste site over the course of the non-winter months.
 - d. Unique Conditions
 - i. The most unique condition on the section of roadway is the transition from a 45 MPH speed limit to a 35 MPH speed limit over the highway overpass. This transition from a faster speed limit to a slower speed limit as a vehicle travels away from CTH "II" is not conventional.
 - ii. Staff has not been able to find a document confirming the DOT's request to set the speed limit on the overpass at 35 MPH; however, there is significant anecdotal evidence that the request was made.
 - e. Staff Recommendation
 - i. Hickory Avenue from CTH "II" to Fairview Road does not meet the access warrants for reducing the speed limit to 35 MPH.
 - ii. However, the change in the speed limit, specifically, the reduction from 45 MPH to 35 MPH as a vehicle travels north on Hickory Avenue, is unusual.
 - iii. It is the Administration's understanding that the 35 MPH speed limit on the USH "10" overpass was requested by the DOT for safety reasons.
 - iv. Therefore the DOT is not likely to approve an increase in the speed limit on the USH "10" overpass to 45 MPH.
 - v. Based on this understanding and the unique circumstances created by the DOT's request, the Administration believes that for the sake of consistency the speed limit on Hickory Avenue from CTH "II" to Fairview Road should be set at 35 MPH.
6. If the Board agrees with the Administration's recommendation, direction to staff to confirm the DOT's request and to place the draft Resolution on the Board's agenda would be in order.

MOTION: (Geise, Grundman Erdmann) Accept the Resolution including recommendations and direct staff to prepare the Resolution for the next Town Board meeting.

CARRIED by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of staff's proposals for updating the Town's Internet Home Page and Home Page hosting provider.
1. Town staff has been working on updating the Town's internet Home Page.
 2. As part of that process, the Board has dedicated the Town's Industrial Development Board (IDB) CY 2010 and 2011 Grant funds (approximately \$3,250.00) to offset the costs of the project.
 3. The Town is providing the staff time as a match to the County's IDB Grant Funds.
 4. Staff has interviewed a number of providers (see list of providers) and recommends that the Board approve GOV OFFICE.COM as the Town's new Internet Home Page hosting provider.
 5. This recommendation is based upon future options for the Town's use of its internet home page, i.e. bill paying and other such interactive uses.
 6. Staff has created a series of pages that outline what the Town's Home Page would look and how it would be organized.
 7. As part of this activity, staff would create a new Home Page that could be demonstrated prior to becoming an active site on the internet.
 8. Once the new site is activated, the old internet site would be linked so that the transition would be as seamless as possible.
 9. The Administration's recommendation is that the domain name and the process of routine updating of the site be controlled by the Town.
 10. Once updated, the Town will need to invest staff time and some funding to keep the site current and functional.
 11. The Administration is recommending that the Board approve the contract with GOV OFFICE.COM at a price not to exceed \$4,675.00, with the funding to come from the Town's IDB Grant funds and the Town's General Fund Office Operations Budget Line Item.
 12. Commented on item: Paul Kellberg (8033 Cavendish Rd.)

MOTION: (Geise, Lettau) Approve the contract with GOV OFFICE.COM, at a price not to exceed \$4,675.00, with the funding to come from the Town's IDB Grant funds and the Town's General Fund Office Operations Budget Line Item.
CARRIED by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of the CY 2011/12 State Salt Purchase Contract and delivery schedule.
1. The Town Board received a copy of the State's documentation relative to the CY 2011/12 road salt bids.
 2. Because of the short timeline for the bidding process, the Board was not given a chance to review the Town's bid quantities and delivery schedule.

3. The Town Board received documentation that will provide the opportunity to review and consider the Town's participation in the project.
4. The Administration recommends participation in the State bidding project because it gives the Town the opportunity to purchase the product at good prices with guaranteed delivery.
5. The State bid price for salt for CY 2011/12 winter season is \$57.76 per ton.
 - a. This price is up \$5.57 per ton from the \$52.19 per ton for the winter season of CY 2010/11.
6. The quantity of salt purchased by the Town has remained at 500 tons for the past several years.
 - a. The 500 tons per year has resulted in an annual surplus of 75 to 100 tons, a buffer that allows staff to be confident that it could deal with a bad winter (snow and ice) season without running out of salt.
7. Delivery of the product is scheduled for October of CY 2011 (200 tons), January of CY 2012 (200 tons), and March of CY 2012 (100 tons, optional).
8. Staff has usually accepted delivery of the optional purchase because of the Town's storage capacity and the fixed price.
9. A motion to approve the purchase tonnage, delivery schedule and the Town's participation in the State salt bidding process would be in order.

MOTION: (Geise, Schmidt) Approve the 2011/2012 State salt purchase contract and schedule as presented and amend the Town's purchase policy to include routine items expended in the budget.
CARRIED by unanimous voice vote.

D. Discussion/Action: Town Board review and consideration of staff's decision to replace and pay for the storm water management culvert at Larsen Road and Center Road as part of the intersection paving project.

1. At its Wednesday, June 1st, 2011, meeting the Town Board approved Change Order 5 to the Town's CY 2011 Capital Paving Projects.
2. The Change Order authorized the paving of the intersection of Larsen Road and Center Road to extend the life of the Town's CY 2011 double chip seal project on Center Road from Larsen Road to Breezewood Lane.
3. While staff was removing the existing pavement surface and preparing the subsurface of the intersection for paving, the idea of replacing the culvert was made by a Town resident.
4. Staff reviewed and agreed with the recommendation to replace the culvert.
5. Drainage on the southwest corner of the intersection has always been marginal because of the elevation of the culvert.
6. The intersection paving project presented the ideal opportunity to lower the culvert elevation and improve the drainage in the area.
7. The next reasonable opportunity would have been when Larsen Road was scheduled to be reconstructed (CY 2020/25).
8. Based on the option available, the Administration authorized replacing the culvert and directed staff to schedule the needed ditching work to correct the drainage problems in the area.

9. The cost of the culvert and clear stone were approximately \$1,722.77, the estimated costs of the ditching are \$1,000.00, for a total project cost of \$2,722.77.
10. The Administration is requesting the authorization to pay for the culvert replacement and related ditching from the Town's CY 2011 Capital Paving Project funds.
 - a. The alternative is to pay for the culvert and the ditching from the CY 2011 Public Works, Road Maintenance Budget Line Item.
11. A motion would be in order to direct staff to bill the culvert replacement and ditching costs to the Town CY 2011 Capital Paving Projects Budget and to complete the required ditching in a timely manner.

MOTION: (Geise, Lettau) Direct staff to bill the culvert replacement and ditching costs for the storm water management culvert at Larsen Road and Center Road, as part of the intersection paving project, to the Town's CY 2011 Capital Paving Projects Budget and to complete the required ditching in a timely manner at a cost not to exceed \$2,722.77.

CARRIED by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of the final draft and timeline for the Town's Request For Proposals (RFP) for a three-year contract for solid waste and recycling services for the Town.
1. The Town Board received a draft copy of the Administration's recommendation for an RFP for a 3-year Solid Waste and Recycling Contract for the Town of Clayton.
 2. The document, as presented, is missing a Table of Contents, which will be completed following the Board's approval of the RFP.
 3. The RFP, as drafted, keeps the weekly service level for the Town; however, it includes the following changes:
 - a. A quarterly large-item pick-up option. The large-item option would be included in the cost of providing the regular service.
 - b. Two options for container sizes. The size of the containers would be set at the Town Board's discretion.
 4. The Administration is proposing to send the Town's RFP to local service providers to include, but not be limited to, Veolia, Waste Management, Van's Waste, Inc., and others.
 5. The proposal schedule would allow the Board to approve a provider and fix the costs for the service prior to reviewing the Town's CY 2012 Budget and submitting the draft Budget Document to the Town's Electors for approval.
 6. The Proposed Bid opening date is Monday, August 29th, 2011.
 7. A Bid award would be scheduled as an agenda item at one of the Board's regular September meetings.

MOTION: (Geise, Lettau) Approve and schedule the bid award for the Town Board meeting on September 7th, 2011.

CARRIED by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of a letter of support for an Outagamie County Regional Airport, Small Air Service Development Grant Application.
1. The Town Board received copies of a draft Letter of Support for a Department of Transportation Grant Application, a notice of intent from the Airport, and an e-mail from both Shannon Meyer of the Fox Cities Chamber Office and Marty Lenss Airport Director.
 2. The grant application is for a Department of Transportation, Small Community Air Service Development Grant.
 3. The draft Letter of Support was personalized by Town staff, specifically the fourth paragraph.
 4. As you may have read in the Appleton Post Crescent, a number of flights in and out of the Airport have been, or are going to be, discontinued by the carriers.
 5. The Grant Application is intended to facilitate and fund the process of attracting new services for the Airport facility.
 6. If the Board agrees, a motion would be in order to approve the Letter of Support for the Grant Application and direct staff to forward the document to Airport Director, Marty Lenss.

MOTION: (Lettau, Schmidt) Move forward with the Letter of Support for the Grant Application and direct staff to forward the document to Airport Director, Marty Lenss.
CARRIED by unanimous voice vote.

- G. Discussion/Recommendation: Town Board direction to relative ditching and storm water management work in the Plat of Oak Openings, the Plat of Oak Crest Manor, the Plat of Sunburst Estates, the Plat of Strawberry Fields, and the Plat of Hidden Park South.
1. The Town Board received copies of the cost estimates for the following proposed drainage projects in the Town:
 - a. The Plat of Oak Openings
 - b. The Plat of Oak Crest Manor
 - c. The Plat of Sunburst Estates
 - d. The Plat of Hidden Park South
 - e. The Plat of Strawberry Fields
 2. Staff has generated estimates for the costs of the projects that are extremely conservative.
 3. These estimates are intended to give the Board an idea of the anticipated project costs and should be used for prioritizing the work that staff will be asked to accomplish.
 4. The Town's Engineer has included two (2) options for the work in the Plat of Oak Crest Manor.
 - a. This was done based upon some concern for the timing of the proposed work.
 5. Staff does not believe that the Town would be able to get significant stabilization of the work area prior to the winter months.

6. Given that the work is adjacent to the Town of Neenah, there is some concern that the Town and the County would take a fairly aggressive position relative to erosion control on the projects.
7. Staff will be available to review the document and answer any questions the Board may have.
8. Additionally, staff will work at refining the costs estimates for the proposed work.
9. The Board will not be taking any final action on these projects until its Wednesday, August 3rd, 2011, meeting.

No motion on this item.

H. Discussion/Recommendation: Town Board direction to staff relative to a proposed schedule for a Public Hearing to assess special charges on property owners for replacing the Town's Rural Addressing numbers and to assess special charges on Developer-owned Lots for the full burden costs of the Town's CY 2011 Subdivision Paving Projects.

1. The Board has directed staff to schedule the assessment of special charges process for replacing the Town's Rural Addressing Plaques and for assessing the special charges for the full burden costs on Lots still owned by the Developers for the Town's CY 2011 Capital Paving projects pursuant to State Statutes 66.0627.
2. State Statutes require a Public Hearing and Notice to the property owners of record for assessments that involve street-related work [see 66.0627 (3) (b)]; they do not require a Public Hearing or notice for other work that is going to be assessed to property owners.
3. The Administration has always recommended that the governing body hold Public Hearings when it is going to assess special charges on property owners; the only exception to this recommendation is when the property owners are noticed prior to the work being done (i.e., lawn mowing).
4. The Administration would like to schedule a Public Hearing for the Board's Wednesday, August 17th, 2011, meeting.
 - a. The Public Hearing would be for both actions.
5. Additionally, the Administration would prepare two (2) Resolutions; one assessing the special charges for the Rural Addressing Plaques, and the second assessing Developer-owned lots for the full-burden costs of the Town's CY 2011 Subdivision Paving Projects.
6. If the Board agrees with the proposed schedule and process, direction to staff to proceed with the project would be in order.
7. Commented on item: Paul Kellberg

MOTION: (Geise, Schmidt) Direct staff to proceed with the public hearing to assess special charges on property owners for replacing the Town's Rural Addressing numbers and to assess special charges on Developer-owned Lots for the full burden costs of the Town's CY 2011 Subdivision Paving Projects.

CARRIED by 4-1 voice vote. (Luebke = no)

- X. Upcoming Meeting Attendance
 - A. TOC Budget Workshops (7:00 P.M. – 9:00 P.M.) – Tuesdays: August 30th, September 6th, September 13th, September 20th, and October 4th
 - B. October 23rd, 2011, through October 26, 2011 – WTA Annual Convention (Green Bay, WI)

- XI. Board Member Requests for Future Agenda Items
 - A. No requests.

- XII. Approval of Disbursements
 - MOTION:** (Unanimous consent) Approve disbursements as presented.
 - CARRIED.

- XIII. Adjournment – 8:32 P.M.
 - MOTION:** (Unanimous consent) Adjourn.
 - CARRIED.

Respectfully submitted,
Susan Nester-Huebner, Town Clerk