

TOWN OF CLAYTON

Regular Meeting of the Town Board of Supervisors Meeting Minutes

August 18, 2010
7:00 p.m. – 9:07 p.m.

8358 County Road T Larsen, WI 54947

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 Engineer Brueggeman
Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Town Board Meeting – July 21, 2010
July 21, 2010, Town Board Meeting Minutes already approved at August 4, 2010, Town Board Meeting.
August 4, 2010, Town Board Meeting Minutes will be approved at September 1, 2010, Town Board Meeting.

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

- Charles Duffeck, 2671 Cassy Lane – Topics: Standing water in Cassy Lane south-side ditches, Uncut/unmowed lots in Breaker Ridge subdivision, Retrenching north-side of Cassy Lane, Phone call discussion with Town Administrator, Town Administrator responsibilities, Recent mailing/flyer received by some Town residents

IV. Correspondence

- A. Winnebago County, Solid Waste Management Board (received 8/13/2010) – Recycling Tonnage Report for July, 2010 (Town of Clayton #1 per person amount recycled)

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

- A. County Supervisor Report – Supervisor Joanne Sievert, District 29, present: appropriated \$97,000 to complete a study regarding the County jail (additional programs or building additional pod), appropriated \$48,000 to share w Outagamie and Calumet counties for a study regarding a regional 911 center
- B. Winnebago County Sheriff's Dept. – Deputy Lichtensteiger present: Wally Seehawer, 2928 County Road II (speed limit on CTH "II" at intersection with State Road "76") (jake brake usage on CTH "II" just west of State Road "76" through the 45mph speed zone) (Ridgeway Golf Course mows golf course grounds too early in the morning); Cathy Clark, 3102 Fairview Road (CTH "II" semi trucks exiting warehousing just in front in front of traffic on CTH "II")
- C. Clayton-Winchester Fire Chief Report – Fire Chief not present, 57 calls Year-To-Date, upcoming family movie night
- D. Administration Comments –
Town Administrator: Cassy Lane ditching project (3 existing culverts east of the cul-de-sac set on base of clay base – water drainage will be slow)
Clerk: 2010 assessment values, landfill recycling ban, MCC night hauling, Electronics Landfill Ban effective September 1, 2010, 2011 Recycling and Landfill Tip Fees set by Solid Waste Management Board
Town Engineer: Larsen Road reconstruction update (gravel placed between Coleman Ridge and Clayton Avenue)
Public Works Foreman: Ditching in Cassy Lane (downspouts to be completed tomorrow with landscaping to follow)

Supervisor Schmidt: Pioneer Road (speed limit – drivers not seeing new speed limit – would like to see flags placed on the speed limit signs)

VI. Zoning – Receipt of Information from Plan Commission

Plan Commission Chair, Dick Knapinski, presented Plan Commission recommendations on the following:

- A. Outagamie County’s Airport Zoning Overlay process
- B. Winnebago County Zoning Code Update process
- C. Town’s proposed wind energy device Ordinance
- D. Draft 2010 Town of Clayton Minimum Road Design Standards Policy
- E. CSM for Judith A. Kolosso and Paul M. Kolosso, 4320 Cedar Creek Road, Slinger, WI 53086, for property located at 3289 Oakridge Road, in the Town of Clayton (Tax ID #006-0689 & 006-0869-01)
- F. Preliminary work completed by the Town’s Engineering Consultant on the engineering required for the Plan Commission report to the Town Board on the Town’s Fire Department Structures

VII. Business

- A. **Discussion / Action** – Operator Licenses
 - Appeal – Sue A. Bossell
 - New – Theresa J. Abler
 - New – Samantha J. Fischer (present)

MOTION: (Geise) Approve renewal operator license for Sue A. Bossell.
FAILED for lack of second.
Board direction: Table item and bring back at a future date

MOTION: (Geise, Klingenberger) Approve renewal operator license for Theresa J. Abler.
CARRIED by unanimous voice vote.

MOTION: (Schmidt, Geise) Approve renewal operator license for Samantha J. Fischer.
CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Town Board action on a Plan Commission recommendation to approve a CSM for Judith A. Kolosso and Paul M. Kolosso, 4320 Cedar Creek Road, Slinger, WI 53086, for property located at 3289 Oakridge Road, in the Town of Clayton (Tax ID #006-0869 and #006-0869-01).

The Town’s Plan Commission has recommended approval of the Certified Survey Map (CSM).

Staff Comments:

The proposed CSM creates a single Lot from what were two (2) parcels: Tax ID#006-0869-01 (the smaller of the two parcels at approximately 2.75 acres), and Tax ID#006-0869 (approximately 17.24 acres and surrounds the smaller parcel). Lot 1 of the proposed CSM is 19.647 acres.

The proposed CSM consolidates two (2) properties in common ownership for the purpose of creating a single building site. The County’s Zoning Code requires a specific acreage (lot) coverage ratio. By consolidating the two (2) properties, the owners can build the outbuildings they want and comply with the lot coverage ratio element of the County’s Zoning Code of Ordinances.

The proposed CSM Officially Maps the 33’ eastern half of the extension of the Oakwood Road Right-of-Way, and the southern 7’ of the 40’ Right-of-Way required by the City of Neenah by virtue of its extra-territorial zoning jurisdiction. Additionally, the southern half of the Oakridge Road Right-of-Way is dedicated to the Town of Clayton.

Staff has some concerns relative to the zoning of the two (2) properties and the minimum acreage requirement of the County’s Zoning Code of Ordinances. Staff’s interpretation is that the County’s Zoning Code would require a minimum lot size of 35 acres in the A-1 AGRI-BUSINESS DISTRICT. The lots combined by the proposed CSM total only 19.647 acres. The County may require that the property owner re-zone the site to A-2 GENERAL FARMING DISTRICT. With the advent of the State’s new farmland preservation laws, withdrawal from the A-1 AGRI-BUSINESS DISTRICT may carry a significant fee.

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Dedication of the Officially Mapped 33' eastern half of the southern extension of the Oakwood Road Right-of-Way required by the City of Neenah by virtue of its extra-territorial zoning jurisdiction.
2. Dedication of the Officially Mapped southern 7' of the 40' Right-of-Way required by the City of Neenah by virtue of its extra-territorial zoning jurisdiction.
3. Dedication of the southern half (33') of the Oakridge Road Right-of-Way to the Town of Clayton.
4. That the petitioner agrees to pay all Municipal Fees related to the project.
5. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

MOTION: (Lettau, Klingenberger) Approve CSM for Judith A. Kolosso and Paul M. Kolosso, 4320 Cedar Creek Road, Slinger, WI 53086, for property located at 3289 Oakridge Road, in the Town of Clayton (Tax ID #006-0869 and #006-0869-01), with the conditions recommended by the staff. CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board approval of the low bid for replacing of two (2) culverts and double-chip sealing Pioneer Road for approximately 5,300 linear feet from Medina Junction Road to Winnegamie Drive.

Bid Opening: Occurred at 10:00 a.m. on Tuesday, August 17, 2010.

Bid = chip seal of Pioneer Road, Bid Alternate = pulverizing of the road prior to seal coating.

BID Submitted: Fahrner Asphalt Sealers, LLC, Base Bid = \$47,228.00, Bid Alternate = \$16,120.00, Total \$63,348.00

MOTION: (Klingenberger, Schmidt) Reject all bids for the chip seal project of Pioneer Road for approximately 5,300 linear feet from Medina Junction Road to Winnegamie Drive and carry over this project to next spring and re-bid it at that time. CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board direction to staff relative to removal of the trees in front of 2847 Larsen Road, Neenah, WI 54946, property owned by Jason Ehrmentraut and specifically identified as Tax ID #006-0645-01, in the Town of Clayton.

Dan Traas, President of Ranger Services, Inc. (A Landscape and Urban Forest Management services provider in the area) prepared and submitted a report on the tree in question.

The report gives an approximate age and a relative condition for the tree in question. It appears from the report that the tree is in relatively good shape and that with some consideration should survive the construction work on Larsen Road.

The Town's Engineer is working on the cost of the change order for the work required to mitigate the possible damage to the tree. The change order and the Engineer's Recommendation will be distributed at the Board's August 18, 2010, meeting.

The Administration would like to remind the Board that the proposed mitigation work is no different from the work done for any other residents on Larsen Road. Additionally, the Board should be aware that the discussion has migrated to the entire row of trees. From the Administration's perspective, only one of the pine trees on the west end of the property may have to be removed to make way for the project. The Administration would also like to advise the Board that any mitigation work that is approved may not salvage the tree in question. The tree may die even with the work that is being proposed.

Residents commented on item: Jason Ehrmentraut (2847 Larsen Road), Karen Thorne (8759 Clayton Avenue), Patty Stanek (8395 County Road T), Charles Duffeck, Paul Kellberg (8033 Cavendish Road), Cathy Clark

Exact cost of change-order not yet available. No Board action taken.

Greenways – \$5,000 donation toward the Larsen Road Trail

MOTION: (Geise, Schmidt) Approve the change order to reroute the trail to save the trees at an amount not to exceed \$7,000.00, at the property located at 2847 Larsen Road, Neenah, WI 54946, to include the waiver of liability to be signed by Mr. Ehrmentraut.
 CARRIED by 4-1 voice vote. (Klingenberg = nay)

- E. **Discussion / Action** – Town Board action on a request by Milford and Joan Herreid, 2924 Ridgeway Drive, Neenah, WI 54956, for a variance from the Town’s Minimum Culvert Standards Policy. The Herreids would like to install a 22-foot replacement culvert in an existing one-lane driveway.

The Town’s Culvert Policy requires a minimum of a 30-foot culvert with end walls. This culvert length works for new driveways that are normally two (2) lanes wide.

The Herrieds live in an older subdivision where single lane driveways are not uncommon. Single-lane driveways need only a 22-foot culvert with end walls. Many of the older subdivisions in the Town were developed approximately 30 years ago. Both the public and private culverts in these subdivisions are reaching their life expectancy. As the Town rebuilds the public infrastructure we will replace the culverts in the roads. The private culverts will likely be replaced when the owners resurface their driveways. Many of these driveways are narrow and will likely only need 22-foot culverts.

The plan Commission is considering changes to the Town’s Road Standards Policy. This Policy contains the Town’s Culvert Policy Standards. The Administration is recommending that an option for a 22-foot culvert be incorporated into the Policy. Given this recommendation, the Administration is recommending that the Board approve the 22-foot culvert with end walls be approved provided that the rest of the requirements are followed.

MOTION: (Klingenberg, Schmidt) Approve the variance for a 22-foot culvert for the Herreid property located at 2924 Ridgeway Drive, Neenah, WI 54956.
 CARRIED by unanimous voice vote.

- F. **Discussion/Recommendation:** – Town Board direction to staff relative to forwarding delinquent CY 2010 Personal Property Tax Bills to the Town’s Attorney for Collection

The following are the delinquent Personal Property Tax Bills for CY 2009, Payable in 2010:

Name	Parcel #	Total Tax	Tax Paid	Delinquent
Anderson/John D., Anderson Sod Farm	006-P0030	\$331.15	\$ 0.00	\$331.15
Cedar Bay Construction – “Doomage”	006-P0171	\$383.99	\$ 0.00	\$383.99
Joes Auto Repair, Joe Luebke	006-P0151	\$327.62	\$ 0.00	\$327.62
	Totals:	\$1,042.76	\$ 0.00	\$1,042.76

Given the manner in which the County distributes tax settlements, the Town has paid the overlying taxation districts their share of the funds and the Town is essentially holding the other taxation districts harmless. The Town can require that it be repaid for delinquent Personal Property Tax payments from the other taxation districts; however, this is a cumbersome process that has to be completed as part of the CY 2011 tax collection process.

The Administration is seeking the Board’s authorization to forward the delinquent Personal Property Tax bills to the Town’s Attorney for collection. The Administration’s request is based on setting a precedent for trying to collect the tax. If it becomes common knowledge that the Town will not try to collect delinquent bills, many individuals are likely to believe that they can avoid paying Personal Property Tax bills with impunity. Should the Board agree, the Administration will forward the bills to the Town’s Attorney with the directive to start the small claims collection process.

MOTION: (Lettau, Klingenberg) Forward to the Town’s attorney for collection for the delinquent Personal Property Taxes of CY 2009, Payable in 2010, for collection.
 CARRIED by unanimous voice vote.

- G. **Discussion/Recommendation:** – Town Board direction to staff relative to proposed changes to the Town of Clayton, Park Rental Policy. Specifically, changes to the authorization protocol for temporary structures, carnival rides, and sound amplification in the Town’s Parks.

The Town’s current lease/rental agreement for the Town’s Parks and Community Building includes the requirement that the Town Board needs to approve temporary structures, carnival rides, and sound amplification in the Town’s Parks. This often becomes an issue when renters want to use tents and music and staff cannot get Board approval in a timely fashion.

The Administration would like to have the option of having the Town Chair approve the use of temporary structures, carnival rides, and sound amplification in the Town’s Parks. The Chair’s approval would keep the process in the political realm. The alternative is to give the Administrator approval authority and shift the responsibility from the political realm to an administrative function. If the Board chooses the latter, the policy should have a standard for the time music must end and a general location where temporary structures would be allowed. Staff has discussed the issue and would recommend that music be allowed no later than 10:00 p.m. and that any temporary structures be placed on the south side of the pavilion in Clayton Park.

Residents commented on item: Cathy Clark

MOTION: (Klingenberger, Geise) Give Administration authority to approve tents or other shelters in park south or west of shelter and amplified music not to go past 10:00 .p.m with his discretion
CARRIED by 4-1 voice vote. (Luebke = no)

VII. Upcoming Meeting Attendance

- August 24, 2010 – 7:00pm, Farmland Preservation Regional Meeting, (Location: Town of Clayton)
- August 25, 2010 – 7:00pm, Special Plan Commission Meeting
- October 11, 2010 – 7:00pm, Joint Fire Board (Location: Town of Clayton)

IX. Board Member Requests for Future Agenda Items – none

X. Approval of Disbursements

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

XI. Adjournment – 9:07p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*