

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, August 19th, 2015

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

I. Call to Order:

A. Notice Verification, Roll

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

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, August 5th, 2015.

MOTION:

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, August 5th, 2015.

IV. Open Forum – Town-related Matters not on the Agenda:

V. Correspondence:

- A. Update to the Board on the 5-Star lawsuit.
- B. Wisconsin Department of Administration, Preliminary Estimate of January 1, 2015 Population.
- C. State issued Winnebago County net new construction report for CY 2015.

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
 - Chief Rieckmann reporting.
 - Reviewed the call list for 2015.
 - Update on RW Management.
 - Final assessment of equipment value by end of September.
 - Update on training of firefighters.
 - Review firefighter family preparedness class.
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
 - Engineer Miller status report.
 - Oakcrest is almost done and the area needs topsoil in the ditches.
 - Oak Openings has had the roads pulverized. Curb/gutters to go in and paved early next week.
 - Oakridge maintenance done on Saturday to minimize the gravel.
 - Administrator Johnston discussed working on the budget, building inspector working in the office now. Residents have been coming in inquiring about the Royer Cemetery and putting money aside in the 2016 budget plan.
 - Treasurer Straw discussed using GovPay.Net to collect taxes and other Town fees by credit card. Still trying to update information which needs to be updated for the Clayton Cemetery.
 - Chair Geise discussed meeting with Grand Chute regarding hooking to the Grand Chute sewer main.
 - Burt Drews, 3113 County Rd II, Neenah, WI. Asked where the Grand Chute system is located and Chair Geise stated it was off County Road BB and CB.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. No New Operators Licenses
- B. Renewal:
 - i. No New Renewal Licenses

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 Petitioner(s) Ted E. and Cathleen A. Dominowski, 2596 Oakridge Drive, Neenah, WI 54956 request that the following property located at 2596 Oakridge Drive, Neenah, WI 54956, in the Town of Clayton, specifically described as portion of Tax ID # 006-0653-04 and being Part of the Northeast ¼ of the Southeast ¼ of Section 25, 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).
 - Chair Knapinski recommended approval of this property to be rezoned by the Town Board.

- B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Ted E. and Cathleen A. Dominowski, 2596 Oakridge Road, Neenah, WI 54956 for property located at 2596 Oakridge Road, Neenah, WI 54956 and specifically identified as Tax ID # 006-0653-04 described as Part of the Northeast ¼ of the Southeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Reif

Seconded by: Supervisor Lettau

Motion: Motion that we direct staff to approve the CSM Application submitted by Ted E. and Cathleen A. Dominowski, 2596 Oakridge Road, Neenah, WI 54956 for property located at 2596 Oakridge Road, Neenah, WI 54956 and specifically identified as Tax ID # 006-0653-04 with staff recommendations.

Vote: Carried by unanimous consent.

- C. Plan Commission recommendation to the Town Board on Petitioner(s) Ronald and Amy Jankowski, 3471 Knox Lane, Neenah, WI 54956 request that a Conditional Use for an agricultural building with no principal structure be granted for the following property located at 3685 Fairview Road, Neenah, WI 54956, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0405-04 and being part of Lot 1 of CSM 6785 located in the Northwest ¼ of the Northwest ¼ of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Plan Commission tabled this issue since the Conditional Use permit is not needed. No action taken by the Town Board.

- D. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Ronald and Amy Jankowski, 3471 Knox Lane, Neenah, WI 54956 for property located at 3685 Fairview Road, Neenah, WI 54956, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0405-04 and being part of Lot 1 of CSM 6785 located in the Northwest ¼ of the Northwest ¼ of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion that we direct staff to approve the CSM Application submitted by submitted by Ronald and Amy Jankowski, 3471 Knox Lane, Neenah, WI 54956 for property located at 3685 Fairview Road, Neenah, WI 54956, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0405-04 with staff recommendations.

Vote: Carried by unanimous consent.

- E. Plan Commission recommendation to the Town Board on a draft of Future Land Use Maps for the eastern quadrants of the Town of Clayton and the related Map Legend Classifications.

- Plan Commission Chair Knapinski reviewed the Plan Commission discussion relative to the map legend classifications.
- Supervisor Lettau asked about public input meetings and Chair Knapinski responded.

- Chair Geise asked if we have the full Plan Commission recommendations from the August 12th, 2015 meeting and Chair Knapinski said everything was covered.
- 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 an update from staff on the vandalism at the Clayton Park Restroom facilities and the schedule for paving the pavilion access area.
- Reviewed discussion of security cameras at Clayton Park.
- X. Business:
- A. Discussion/Action: Town Board review and consideration of a revised version of Resolution 2015-006(B) A Resolution Authorizing the Borrowing of Funds from the State Board of Commissioners of Public Lands to purchase property, as authorized by the Town’s Electors, that is located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton and specifically identified as Tax ID # 006-0363-06.

The Administration will be providing the Board with a revised draft copy of Resolution 2015-006(B) A Resolution Authorizing the Borrowing of Funds from the State Board of Commissioners of Public Lands. The original Resolution was drafted to fit the Town’s format with the State’s required information. In order to simplify their process the State wants the Town to use their format. As in the original Resolution, the revised draft Resolution authorizes the Town to borrow \$170,000.00 at an interest rate of 3% to refund the Town’s Unassigned Reserve Account for the money used to purchase the property located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton. Should the Board continue to have a degree of comfort with the revised draft Resolution, a motion would be in order to approve the revised draft Resolution 2015-006(B) and to direct staff to proceed with the loan application to the State Board of Commissioners of Public Lands.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve the revised version of Resolution 2015-006(B) A Resolution Authorizing the Borrowing of Funds from the State Board of Commissioners of Public Lands to purchase property, as authorized by the Town’s Electors, that is located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton and specifically identified as Tax ID # 006-0363-06 with staff recommendations.

Vote: Carried by unanimous consent.

Chair requested roll call vote:

Supervisor Reif: Aye.

Supervisor Lettau: Aye.

Chair Geise: Aye.

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Motion carried unanimously.

- B. Discussion/Action: Town Board review and consideration of Ordinance 2015-003 an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for property owned by petitioner(s), Ted E. and Cathleen A. Dominowski, and located at 2596 Oakridge Drive, Neenah, WI 54956, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0653-04 and being Part of the Northeast ¼ of the Southeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).

Attached please find a copy of Ordinance 2015-003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicant applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Ordinance 2015-003 and to direct staff to file the appropriate documentation with the County.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion that we approve Ordinance 2015-003 an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for property owned by petitioner(s), Ted E. and Cathleen A. Dominowski, and located at 2596 Oakridge Drive, Neenah, WI 54956, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0653-04 with staff recommendations.

Vote: Carried by unanimous consent.

Chair requested roll call vote:

Chair Geise: Aye.

Supervisor Schmidt: Aye.

Supervisor Reif: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Motion carried unanimously.

- C. Discussion/Action: Town Board review and consideration of proceeding with a nuisance complaint against the owner of property at 8094 Coleman Ridge Neenah WI 54956 as part of the continued active enforcement of the Town's Pool Ordinance fencing requirement.

Town Attorney Lehocky (Ashley) will have a memorandum that she will review with the Board relative to proceeding with a nuisance complaint against Jon J. and Jamie M. Lasee, the property owners at 8094 Coleman Ridge, Neenah, WI 54956, for failing to construct the required fencing around the pool at 8094 Coleman Ridge, Neenah, WI 54956. Please be advised that Mr. Lasee did provide the Administration with the attached documentation demonstrating that he was going to have a specialty firm install the required fencing on or before Friday, August 7th, 2015. When the fencing was not installed by the date certain indicated the Administration contacted the fencing firm to confirm the veracity of the documentation provided by Mr. Lasee. The contact firm

indicated that there was no Contract, no down payment for the project, and that the project was not placed on the firm's work schedule. Based on that information and consultation with Ashley the Administration has directed staff to issue citations to the property owner on alternate days until Friday, August 21st, 2015. Town Chair Geise is concerned that the aggressive posture of the Town may look overbearing, forceful, and/or vindictive to residents. Should Mr. Lasee comply with the Town's Ordinance and complete the required fencing on or before the Court date for the citations the Town can petition the Court to dismiss the citations issued to Mr. Lasee. If the Board wishes to proceed with active enforcement of the Town Ordinances Ashley will be able to give the Board guidance on the nuisance complaint process. The Administration will refrain from taking any additional action until specifically directed by the Board. The Administration is respectfully asking the Board for direction on this issue prior to proceeding with any action. If the Board wishes to proceed with the nuisance complaint process, a motion would be in order to direct staff to proceed with the nuisance complaint in consultation with the Town's Attorney.

- Citations continue to be mailed out.
- Attorney Lehocky reviewed nuisance complaint options.
- Directed staff to verify with Security Fence on the status of the fence being installed. She discussed her memo of August 19, 2015 regarding nuisance actions for ordinance violations. Discussed the process of dealing with the court system.
- Supervisor Schmidt asked how we come up with the fees. They are determined in our zoning code and also by Winnebago County.
- Citations to stop after this week.

MOTION:

Motion by: Supervisor Reif

Seconded by: Supervisor Schmidt

Motion: Motion that we proceed with the nuisance complaint and continue with citations through next week for a total of four more citations with the last one being sent on August 27, 2015.

Vote: Carried by unanimous consent.

- D. Discussion/Action: Town Board review, consideration, and direction to staff on a memorandum and presentation by the Town Attorney relative to the active enforcement of the Abandoned Vehicle Ordinance.

Town Attorney Lehocky (Ashley) will have a memorandum that she will review with the Board relative to proceeding with enforcement of the Abandoned Vehicle Ordinance. Ashley has some of the same concerns the Administration has relative to impinging on an individual's property rights. The Administration is looking for direction from the Board on how staff should proceed with the issue. The Administration believes that in some cases the Town is being used as a threat in a neighborhood dispute on the basis of a pure technicality. In other cases the complaints appear to be justified by the facts, however, enforcement will be difficult and relatively costly. The Administration recommends that the Board follow the Town Attorney's recommendations and that it direct staff to implement the process as outlined by the Town Attorney.

The Board recently updated the Town's Abandoned Vehicle Ordinance. When the Administration worked on the review and update of the old Ordinance (see attached) it took a position that updating an existing Ordinance would be preferable to creating a new Ordinance. The old Ordinance was primarily directed at abandoned vehicles on a public right-of-way and applied the

process to vehicles on private property with a single line (Section 3 c). The new Ordinance (see attached) kept the same language in (Section 3 c). Please be advised that the draft of the new Ordinance was reviewed and approved by Attorney Simon. Additionally, please be advised that Attorney Simon was aware of the Administration's interest in updating the Town's existing Ordinances rather than creating new Ordinances. Based on a conversation with Attorney Lehocky, it appears that for simplicity of enforcement she would prefer to see two separate Ordinances.

- Attorney Lehocky suggested that we send out letters and give the resident time to comply with the ordinance.

MOTION:

Motion to direct staff to follow the recommendations of Attorney Lehocky.

Vote: Approved by unanimous consent.

- E. Discussion/Action: Town Board review, consideration and direction to staff relative to issuing orders to remove obstructions (concrete driveway apron) in the Town's Right-Of-Way for property owned by Sarah L. Sklamberg/Robeson and located at 3378 DeKalb Lane, specifically identified as Tax ID# 006-1446.

The Town's Minimum Road Standards Ordinance prohibits concrete driveway aprons and structures in the right-of-way. With other concrete driveway aprons the Board has issued Orders to have them removed by the property owner with a date certain for completion of the removal. If the property owner did not remove the concrete apron, the Town had reserved the right to remove the apron and bill the property owner for the work. Staff has been apprised of a new concrete driveway apron that was installed at 3378 DeKalb Lane, specifically identified as Tax ID# 006-1446. The Administration is respectfully asking the Board for direction relative to enforcement of the removal process and issuing an Order for the removal of the concrete driveway apron in the Town's Right-Of-Way for property owned by Sarah L. Sklamberg/Robeson and located at 3378 DeKalb Lane, specifically identified as Tax ID# 006-1446. Please be advised that the contractor that installed the apron did not contact the Town relative to permits or the Town's Ordinances. A motion to direct staff to issue the removal Order would be in order.

Approved by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of a request by Mark and Linda Mangin, 3062 Ridgeway Drive, Neenah, WI 54956 to reseed, with no-mow grass, the ditch area in front of their home created by Phase 1 of the Ridgeway Drive capital reconstruction project.

Attached please find a copy of correspondence from Mark and Linda Mangin, 3062 Ridgeway Drive, Neenah, WI 54956. The Mangin's have two main concerns, the first is the depth of the ditch and the second is the results of the seeding of the ditch. Relative to the depth of the ditch there is little the Town can do to remedy the situation without interfering with the storm water management in the development. Relative to the seeding, the Town can reseed the ditch area with no mow grass as requested, however, without maintenance (mowing) the area will become infested with weeds and the end result will be very similar to what you see there today. This work can be done by Town staff at relatively little material cost. The Administration will have a better handle on the staff time needed to do the work when the Town's CY 2015 Capital Projects are completed. Additionally, in order to maintain a level of equity the Town will need to offer other residents in the area the option of reseeding with no mow grass. Based on the Town's new capital

project restoration process the Administration is recommending that the Board authorize staff to reseed the ditch in front of the Mangin property with no mow grass in spring of CY 2016. Additionally, the Administration recommends that the other property owners in phase-1 of the reconstruction project be granted the same option. The Administration may wish to make a statement that this is the final remedy being offered to the residents in phase-1 of the Ridgeway Drive Capital Reconstruction project. If the Board agrees with the Administration’s recommendation, a motion would be in order to authorize staff to reseed the ditch in front of the Mangin property with no mow grass in spring of CY 2016 and that the other property owners in phase-1 of the reconstruction project be granted the same option. At its discretion the Board may want to add final remedy language to the motion.

MOTION:

Motion by: Supervisor Reif

Seconded by: Supervisor Schmidt

Motion: Motion that we leave the ditch as it is.

Vote: Carried by 4 ayes and 1 nay (Chair Geise).

- G. Discussion/Action: Town Board review and consideration of authorizing the Town Administrator to make the final payment for the Town’s CY 2014 Capital Reconstruction projects to Northeast Asphalt, Inc following completion of the final project punch list.

Northeast Asphalt, Inc (NEA) has submitted their final pay request for the Town’s CY 2014 phase-2 reconstruction of the Ridgeway Drive area. The Administration indicated that it would not release the retainer until the punch list work was completed. At this point the Administration expects the work to be completed in the next 7 to 10 days. Based on that schedule the Administration respectfully requests that the Board authorize making the final payment when the punch list work is completed. If the Board agrees with the request, a motion would be in order to authorize the Administration to make the final payment to NEA for the Town’s CY 2014 Capital Construction project upon documentation of the completion of the punch list items.

Approved by unanimous consent.

XI. Upcoming Meeting Attendance:

- Budget meeting proposed dates: Tuesday, September 8th at 7:00 p.m.
- Tuesday, September 15th at 1:00 p.m.
- Tuesday, October 6th at 1:00 p.m.
- Tuesday, October 13th at 1:00 p.m.

XII. Board Member Requests for Future Agenda Items:

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:31 p.m.

Respectfully submitted,
Laurie L. Goffard, Deputy Clerk