

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, October 15th, 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
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rose Simon	PRESENT

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

- A. Public Hearing before the Town Board on an Application submitted by Ross and Katie Thompson, 8950 Center Road, Neenah, WI 54956 requesting that the following property located at 8950 Center Road, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0296 being all of Lot 1 of Certified Survey Map No. 4090 as recorded in volume 1 of Certified Survey Maps on Page 4090 as Document No. 1030062 and being part of the southwest ¼ of the southwest ¼ and the northwest ¼ of the southwest ¼ of Section 10, 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).

- Open forum. No comments from the public.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, September 17th, 2014.

- Approval to be held to the November 5th, 2014 due to changes to be made.

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

- V. Correspondence:
- A. Copy of correspondence from the Winnebago County Highway Commissioner relative to ACT 377 on Ag/Commercial motor vehicles.
 - B. Copy of an e-mail relative to regional partnerships from Sharon L. Full, President /CEO, Fox Cities Chamber of Commerce & Industry.
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - B. Winnebago County Sheriff's Department – Public Concerns and Issues.
 - Deputy Huth arrived at 7:27 p.m. Nothing from the Town Board.
 - C. Clayton-Winchester Fire Department
 - D. Larsen-Winchester Sanitary District
 - E. Administration Comments
 - Discussed photos of the storm water management project on Oakcrest Manor. Minor changes will be made. The area worked well with the last storm where we had 2" of rain.
 - Treasurer Bowen discussed the Town of Clayton finances. Winnebago County has been reassigning parcel numbers which has been a challenge for calculating property taxes. Discussed changes on the election with the Voter ID law being repealed.
 - Engineer Miller discussed the Ridgeway Drive subdivision. The paving is done. Topsoil needs to be brought in and seeding will be done in the spring of 2015. The Braun Court project will be paved by the end of this week.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Amber Stephani
 - ii. Tara Kelbert
 - iii. Cheyenne Hernitz
 - iv. Julaine Schroeder
 - v. Rickey Smith
 - B. Renewal:
 - i. None
- 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 update to the Town Board on the application submitted by the petitioners, Rodger A. and Janet J. Cavanaugh, 3910 Fairview Road, Neenah, WI 54956, for an amendment to an existing Conditional Use permit to operate a wedding and event facility on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at 3910 Fairview Road, Neenah, WI 54956 and specifically described as Tax ID # 006-0267, being located in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Administrator Johnston discussed attorney's opinion and waiving attorney/client privilege.

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Schmidt

Motion: To hold off on presenting board attorney's opinion to a later date. Will be held over to the Plan Commission meeting on November 12th, 2014.

Motion carried by unanimous consent.

- B. Plan Commission recommendation to the Town Board on an Application submitted by Ross and Katie Thompson, 8950 Center Road, Neenah, WI 54956 requesting that the following property located at 8950 Center Road, in the Town of Clayton, specifically described as a portion of Tax ID # 006-0296 being all of Lot 1 of Certified Survey Map No. 4090 as recorded in volume 1 of Certified Survey Maps on Page 4090 as Document No. 1030062 and being part of the southwest ¼ of the southwest ¼ and the northwest ¼ of the southwest ¼ of Section 10, 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).

- Plan Commission moved and approved the recommendation.

NO ACTION TAKEN

- C. Plan Commission recommendation to the Town Board on the proposed rescission of the Town's stand-alone Site Plan Ordinance.

NO ACTION TAKEN. Held over to the next Plan Commission meeting.

- D. Plan Commission update to the Town Board on the impact of a Wisconsin Court of Appeals decision relating to Farmland Preservation Zoning Ordinances on the Town of Clayton.

NO ACTION TAKEN

- E. Plan Commission Chair update to the Town Board on elderly friendly residential development in the Town.

NO ACTION TAKEN

- Supervisor Lettau discussed/reviewed notice from DATCAP regarding farmland preservation.

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 update to the Town Board on a review by staff on the improvements to the Town's park and cemetery facilities budgeted for in the Town's CY 2015 Budget.

- Administrator Johnston reviewed the Green Space Committee meeting.

NO ACTION TAKEN

X. Business:

A. Discussion/Action: Town Board review and consideration of Ordinance 2014-009 an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for property specifically described as a portion of Tax ID # 006-0296 being all of Lot 1 of Certified Survey Map No. 4090 as recorded in volume 1 of Certified Survey Maps on Page 4090 as Document No. 1030062 and being part of the southwest ¼ of the southwest ¼ and the northwest ¼ of the southwest ¼ of Section 10, 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).

Attached please find a copy of Ordinance 2014-009 an Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Schmidt

Motion: Motion to approve Ordinance 2014-009 as stated above.

Motion carried by unanimous consent.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Chair Luebke: Aye

Motion carried 5 ayes and 0 nays.

B. Discussion/Action: Town Board review and consideration of Resolution 2014-014 A Resolution Authorizing the Annual Renewal of the Winnebago County, 911 Emergency System, Joint Powers Agreement between the Town of Clayton and the County of Winnebago.

Attached please find a copy of correspondence from Winnebago County Sheriff, John F. Matz. Also attached is a copy of Resolution 2014-014 authorizing the renewal of the Town's participation in the Winnebago County 911 Emergency System. The Joint Powers Agreement, required under Wisconsin Statutes, essentially sets system protocols and requires that an emergency vehicle dispatched by the County 911 System render service even if it is outside the

department’s jurisdiction. A motion to authorize the Town Chair and the Town Clerk to sign the Winnebago County, 911 Emergency System, Joint Powers Agreement would be in order.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Geise

Motion: Motion to authorize the Town Chair, the Town Clerk to sign the Winnebago County 911 System Joint Powers Agreement.

Motion carried by unanimous consent.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Aye

Chair Luebke: Aye

Motion carried 5 ayes and 0 nays.

- C. Discussion/Action: Town Board review and consideration of a three-year proposal submitted by Schenck SC to provide the Town of Clayton with Municipal and Utility Audits for CY 2014, CY 2015, and CY 2016.

Attached please find a copy of a proposal submitted by Schenck SC to provide the Town of Clayton with Municipal and Utility Audits for CY 2014, CY 2015, and CY 2016. During the Administration’s tenure with the Town, Schenck SC has been the Town’s auditor. The costs for the annual audit of the Town and its related utilities are as follows:

	CY 2014	CY 2015	CY 2016
Audit of Basic Statements – General Town			
Audit of Basic Statements	\$6,500.00	\$6,600.00	\$6,700.00
Stormwater Management Utility	\$2,000.00	\$2,300.00	\$2,400.00
Preparation of State Financial Report Form	\$ 500.00	\$ 550.00	\$ 600.00
	\$9,000.00	\$9450.00	\$9,700.00

During the past few years the Town has gone through significant changes in its accounting systems; these changes include moving from a cash accounting system to a modified accrual accounting system. In addition to the changes in methodology the Town has moved from a Quick Books Accounting program to a Banyon fund accounting system. These changes have and will continue to cause idiosyncrasies in the Town’s accounting process for the next few years. Given that Schenck SC is familiar with the Town’s accounting and the changes that are occurring in the accounting process the Administration is inclined to recommend approval of the 3-year proposal submitted by Schenck SC at the stated costs. If the Board agrees with the Administration’s recommendation, a motion would be in order to approve the proposal submitted by Schenck SC at the stated costs per year.

- Discussed yearly price increases. Mostly due to cost of living adjustments.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve the proposal submitted by Schenck, S.C.

Motion carried by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of a Change Order to the Town's CY 2014 Ridgeway Drive Capital Reconstruction Project Contract with Northeast Asphalt to place an ARMCO or similar type of barrier in front of the stormwater management pond on Ridgeway Drive as part of the Town's CY 2014 Capital Reconstruction project.

Town staff and the Town's Engineer met with the Contractor for the Ridgeway Drive project to review the request for an ARMCO, or similar type of barrier, in front of the stormwater management pond on Ridgeway Drive. Staff's direction to both the Town's Engineer and the Contractor was to provide a Change Order price for installing a State Department of Transportation compliant barrier at the site. As of Friday, October 10th, 2014 the Administration has not received the requested Change Order. Staff expects that it will receive the Change Order before the Town's Wednesday, October 15th, 2014 meeting. Should the Board wish to proceed with the installation of the barrier, a motion would be in order to approve the Change Order with the funding to come from the Town's CY 2014 Capital Reconstruction Budget Line Item.

- Miller explained the quote relative to guard rails and the differences between "W" and "Tri-Rail" options.

MOTION:

Motion carried by unanimous consent to approve "W" option guard rail not to exceed \$4,163.00.

- E. Discussion/Action: Town Board review, consideration and direction to staff relative to the Town's options for disposing of the Elmer property located at 8328 CTR T, Larsen, WI 54947 and specifically identified as Tax ID# 006-0535-06-02 in the Town of Clayton, County of Winnebago.

The Town Chair asked that this item be placed on the Board's agenda in order to allow the Board to discuss the issue and to give staff direction relative to the process it should follow. When this was last on the Board's Agenda the Administration recommended that the Board consider directing staff to solicit costs for demolishing the building, abandoning the utilities, clearing the site, and placing a value on the vacant lot. During the past few days an individual has expressed some interest in purchasing and rehabilitating the home; at this time the Administration has not received any firm offers. Additionally, the Board may wish to direct staff to provide a site plan showing how the Town would use the available property if it were to be attached to the yard waste site area.

- Discussed options.
- Discussed a party's interest in purchasing and restoring the home.
- Discussed Habitat for Humanity purchase of lot after disposition of home. Directed staff to check with Habitat.

- The home has two wells which one could be used if the house was demolished and a new house was built. Not a lot of interest in it being remodeled to be a rental. May be more useful as a yard waste site and will need a site plan done. This issue tabled to the next meeting.
- F. Discussion/Action: Town Board review and consideration of giving direction to staff to prepare and outline a program for the Board to review regarding active enforcement of the Town’s Ordinances.

Attached please find a copy of a Memorandum from the Administration to the Board dated Thursday, July 10th, 2014. The Memorandum covers the initial conversation between staff and the Board relative to the active enforcement issues. The Administration is still comfortable with the original Memorandum on the subject. At this point the Board has established a January 1st, 2014 starting point for the active enforcement process. Additionally, at this time the Board has authorized the Town Chair and the Town Clerk to issue enforcement orders, at the Board’s direction, for certain types of municipal ordinance violations. Also attached is a copy of an excerpt on “Enforcing the Code” from the Guide to Community Planning in Wisconsin drafted by Brian Ohm. Brian Ohm is a professor in the department of Urban and Regional Planning at the University of Wisconsin and an acknowledged expert in the field of municipal planning and zoning law. Additionally, staff has attached an enforcement flow chart from a local community based on Dr. Ohm’s process. At this time the Town has the following enforcement processes:

- | | | |
|----|------------------------|----------------------------------|
| 1. | Traffic: | County Sheriff |
| 2. | Uniform Dwelling Code: | Building Inspector |
| 3. | Zoning Code: | Zoning Administrator or delegate |
| 4. | Fire Code: | Fire Department, Fire Inspector |

At this time, the Administration is of the understanding that the Town’s Attorney is of the opinion that this authority should be delegated by the Board by Ordinance. The Town’s Attorney will be providing the Board with a Model Ordinance for its consideration. If the Board agrees with the process and the concept of an Ordinance, staff will prepare the document, schedule the Public Hearing on the Ordinance, and place the Draft Ordinance on the Board’s agenda for consideration and approval. Additionally, staff will review the Town’s existing documents relating to the issue so that there will be no duplication or conflict in the Town’s Policies and/or Ordinances relating to the issue.

- Reviewed material relative to active enforcement.
- Reviewed attorney recommendations relative to job/position responsibilities and authority.
- Direct staff to prepare materials for enforcement of ordinances.

- G. Discussion/Action: Town Board review and consideration of proposals from Cedar Corporation and Martenson & Eisele, Inc. for providing engineering services related to the provision of Municipal Sanitary Sewer and Municipal Water to the northeast and southeast quadrants of the Town of Clayton.

With approval from the Town Chair the Administration solicited a proposal from Cedar Corporation for a comprehensive study relative to providing municipal sanitary sewer and municipal water to the southeast and northeast quadrants of the Town of Clayton. Approval of,

and completion of the study will provide the Board with the tools it needs to make an educated decision relative to the provision of the stated utilities. The Administration's intent was to solicit a proposal from Cedar Corporation only; during the process M&E asked if they could provide a proposal and since they are the Town's Engineer the Administration felt obligated to allow the submission. As a result of that decision a scope of services document and proposal from M&E is also included as an attachment. Should staff not have the proposal from Cedar Corporation in time to include it in the packet both parties will be at the Board's Wednesday, October 15th, 2014 meeting to present their individual proposals. Please be advised that the cost of each proposal may vary significantly because they are not based on exactly the same scope of services. The Administration is asking the Board to review and approve a proposal so that staff can move forward with the investigative and planning process. The Administration is recommending that funding for the project come from the Town's reserve accounts.

- Cedar Corporation presentation by Dean Zanon and Dennis Steigenberger presented proposal.
- Discussion on adding a sanitary district to the Town of Clayton.
- Engineer Miller presented proposal. Wastewater facility study and service area determined.

H. Discussion/Action: Review of the Draft General Fund Revenue Budget, Draft General Fund Capital Expense Budget and Draft General Fund Operating Expense Budget of the Town's CY 2015 General Fund Budget.

The Board has completed the four meetings of the CY 2015 Budget review process. As is customary the Administration has recommended that the Board view the Town's Annual Budget as a Policy Statement relative to its taxation and spending priorities for the Town. The Budget, as presented, is balanced and does meet the Board's taxation and spending priorities to the extent possible with the available funding. The Town's CY 2015 Budget does not increase the levy beyond the natural growth in the Town with the funding for the debt service generated by the CY 2014 capital construction borrowing coming from existing operating funds. Staff is scheduling the Public Hearing of the CY 2015 Budget and the Town's Special Electors Meeting to consider the Town's CY 2015 Levy and Transportation Budget for Wednesday, November 5th, 2014. The Board is scheduled to hold its regular meeting to consider the Town's CY 2015 Budget following the Public Hearing and the Special Electors Meeting.

NO ACTION TAKEN

I. Discussion/Action: Town Board receipt and review of a complaint letter from the residents in Phase 1 of the Ridgeway Drive Subdivision Capital Reconstruction project.

Attached please find a copy of a complaint from the residents of Phase 1 of the Ridgeway Capital Reconstruction project. This item was placed on the Board's agenda by the Town Chair based on a recommendation by the Administration. Additionally, the Administration has directed the Town's Engineer to be ready to answer all of the issues raised by the residents and any questions the Board may have relative to the complaint. At this time staff is prepared to take any action the Board may wish to give, however, the project was engineered based on the Town's Minimum Road Standards Ordinance and the Administration has no recommendations to make relative to the work that was done. The Administration understands that the residents are not happy with the

engineering and the design of the project, however, each step in the process was intended to produce a road that will last the Town for decades with a minimum of maintenance costs. The Administration believes that each of the points made by the residents can be refuted on sound engineering principals, financial concerns, and health and safety concerns. Once staff has responded to the resident’s complaints, the Board will need to give staff direction relative to any future actions the Board may wish to take.

- Discussed restoration standards relative to SWM projects.
- Discussed hydro seeding the projects.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion that we accept the complaint letter from the residents of Phase I of the Ridgeway Drive subdivision Capital Reconstruction Project also with the option of looking into hydro seeding and redoing their ditching next spring.

Motion carried by unanimous consent.

- 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 8:33 p.m.

NO ACTION TAKEN

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant