

TOWN OF CLAYTONRegular Meeting of the Town Board of Supervisors
Meeting MinutesOctober 20, 2010
7:00 p.m. – 10:00 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Luebke

Roll:	Town Board	
	Chairperson Luebke	PRESENT
	Supervisor Lettau	PRESENT
	Supervisor Klingenberger	PRESENT
	Supervisor Schmidt	PRESENT
	Supervisor Geise	PRESENT
Roll:	Staff	
	Administrator Johnston	PRESENT
	Clerk Nester-Huebner	PRESENT
	Public Works Foreman Pamerter	PRESENT
	Town Engineer Madsen	PRESENT

Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Special Town Board Meeting (Budget Workshop) – October 5, 2010
MOTION: (unanimous consent) Approve Special Town Board Meeting Minutes (Budget Workshop) from October 5, 2010, as written.
CARRIED.
- Regular Town Board Meeting – October 6, 2010
MOTION: (Klingenberger, Lettau) Approve Town Board Meeting Minutes from October 6, 2010, as corrected with correction of VII-E amount should state \$32,110.08, not \$323,110.08.
CARRIED by unanimous voice vote.
- Special Town Board Meeting (Budget Workshop) – October 12, 2010
MOTION: (unanimous consent) Approve Special Town Board Meeting Minutes (Budget Workshop) from October 12, 2010, as written.
CARRIED.

III. Open Forum – Non-Agendized Town-related Matters – none**IV. Correspondence**

- A. Farmland Preservation Plan Regional Meetings & DATCP Presentation Meetings Scheduled
- Tuesday, November 9, 2010 – 4:00 p.m. (Town of Omro Town Hall)
 - Tuesday, November 9, 2010 – 7:00 p.m. (Town of Wolf River Town Hall)
 - Wednesday, November 10, 2010 – 4:00 p.m. (Town of Vinland Town Hall)
 - Wednesday, November 10, 2010 – 7:00 p.m. (Town of Rushford Town Hall)

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

- A. County Supervisor Report – Supervisor Joanne Sievert, District 29, not present: no update
- B. Winnebago County Sheriff's Dept. – Deputy Brester present: Larsen Road construction zone has speeders
- C. Clayton-Winchester Fire Chief Report – Fire Chief not present, 70 calls Year-To-Date, HERE

D. Administration Comments –

Town Administrator: Larsen Road project paving about 75% completed, need to do passing lane to Golf Course and intersections of the corners, to be receiving State Assessed values of property in TOC, Airport Ad Hoc Committee meeting this morning – may ask to extend the date of the ad hoc committee to complete process SEE RICHARD

Town Engineer: Larsen Road project passing lanes and ramping at road entrances, working on ditching and trail

Clerk: Final Estimate of January 1, 2010 Population = 3,613; Edison Research will collect precinct results after polls close at the polling place for Clayton Wards 1-4.

Public Works Foreman: Larsen Road project general update

Chair Luebke: ClaytonFest 2011 meeting last evening, event is scheduled June 11, 2011, next meeting 7:00 p.m. on January 24, 2010

VI. Zoning – Receipt of Information from Plan Commission

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

- A. Staff review of the Town’s proposed wind energy device Ordinance.
- B. Plan Commission review and recommendation on a CSM for Lois and Donald Shaw, 9670 Oakwood Avenue, Neenah, WI 54956, for property located on the northeast corner of West Shady Lane and Oakwood Avenue in the Town of Clayton (Tax ID #006-0031).
- C. Plan Commission review and recommendation on a CSM for First Business Bank, P.O. Box 057, Appleton, WI 54912, for property located on the northwest corner of Larsen Road and Center Road extended in the Town of Clayton (Tax ID #006-0576).
- D. Plan Commission review and recommendation on the Winnebago County Petition of Planning & Zoning Committee for the proposed text amendment change affecting Chapter 22, “Winnebago County Comprehensive Plan”, of the Winnebago County General Code.

VII. Business

- A. **Discussion / Action** – Operator Licenses
 - Appeal – Anthony Boegh (New)

Present: Anthony Boegh

MOTION: (Geise, Schmidt) Approve the new operator license for Anthony Boegh. CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Consideration and approval of Original Alcohol License Application for the period of October 21, 2010, to June 30, 2011, in and for the Town of Clayton, subject to compliance with State Statutes and Municipal Ordinances.

The following party has applied for an Original Class B Beer/Class B Liquor License, in and for the Town of Clayton, for the period of October 21, 2010, to June 30, 2011, subject to compliance with State Statutes and Municipal Ordinances:

ACKH Properties, LLC, 2788 Towne Court, Neenah, WI 54956. Agent: Karl D Huiting.

Present: Karl D. Huiting

MOTION: (Klingenberger, Geise) Klingenberger Approve the Original Alcohol License Application for the period of October 21, 2010, to June 30, 2011, in and for the Town of Clayton, subject to compliance with State Statutes and Municipal Ordinances for ACKH, subject to receiving copy of valid Wisconsin Seller’s Permit, copy of the Federal ID Number (FEIN), and confirmation from Winnebago County of a completed and registered transfer of property to the new owners. CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Consideration and approval for a Change of Agent for Reserve Class B Beer/Class B Liquor License, in and for the Town of Clayton, subject to compliance with State Statutes and Municipal Ordinances.

The following Reserve Class B Beer/Class B Liquor Licensee has applied for a Change of Agent, in and for the Town of Clayton, for the period of October 21, 2010, to June 30, 2011, subject to compliance with State Statutes and Municipal Ordinances:

Boe, LLC, 8386 State Road 76 Suite B, Neenah, WI 54956. Agent: Jeffrey A. Boe

Present: Jeffrey A. Boe

MOTION: (Klingenberger, Schmidt) Approve change of agent for the period of October 21, 2010, to June 30, 2011, subject to compliance with State Statutes and Municipal Ordinances, for the Reserve Class B Beer/Class B Liquor License, in and for the Town of Clayton, for Boe, LLC, 8386 State Road 76 Suite B, Neenah, WI 54956, to Jeffrey A. Boe as the agent.

CARRIED by unanimous voice vote.

Town Board members unanimously agreed to address Item K next, and then continue through the agenda.

- K. **Discussion / Action** – Town Board direction to staff relative to making the Town’s Assessment Roll documentation available on the Town Assessor’s Company Home Page.

The Administration has asked John Holtan, Vice President of Associated Appraisal Consultants, Inc., to attend the Board’s Wednesday, October 20, 2010, meeting to explain why the firm is no longer posting the Town’s Assessment Roll on its Home Page for public viewing. The stated reason for removing the access to the Town’s Assessment Roll was a new fee being charged by the software provider.

It is the Administration’s understanding that during the proposal review process, the Board was told that the internet access was part of the firm’s routine services. The proposed Agenda Item will allow the Board to clarify the issue with the Contractor.

Present: John Holtan, Vice President of Associated Appraisal Consultants, Inc, 2111 W. Wisconsin Avenue, Appleton.

Assessment Technologies actually hosts the data and posts to the website of the municipality’s choice – they charge a fee of \$0.15 per parcel, per month, to make this information available on our Assessor’s website. Annual total for the service would be approximately \$600 per year. Currently 55% of Associated Appraisal Consultants’ client base has chosen to continue web data availability.

No additional charge to add this in the future.

Residents commented on item: Ben Hamblin (2986 W. Shady Lane)

Board direction: Place on future agenda to address for CY 2011.

- D. **Discussion / Action** – Town Board action on a Plan Commission review and recommendation on a CSM for Lois and Donald Shaw, 9670 Oakwood Avenue, Neenah, WI 54956, for property located on the northeast corner of West Shady Lane and Oakwood Avenue, in the Town of Clayton (Tax ID #006-0031).

The Plan Commission recommended approval of the proposed CSM for Lois and Donald Shaw, 9670 Oakwood Avenue, Neenah, WI 54956, for property located on the northeast corner of West Shady Lane and Oakwood Avenue, in the Town of Clayton (Tax ID #006-0031), with the following staff recommended conditions:

1. Payment of all municipal fees related to the CSM approval and required re-zoning.
2. Clarification by the Plan Commission and the Board of the access issue on the site.
 - a. The Commission recommended that the two Lots created by the proposed CSM take access from the private road on the north side of the property known as Wismer Lane.
3. Approval of the required re-zoning of the property.
4. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

Present: Donald Shaw, 9670 Oakwood Avenue

MOTION: (Geise, Schmidt) Accept the proposed CSM for Lois and Donald Shaw, 9670 Oakwood Avenue, Neenah, WI 54956, for property located on the northeast corner of West Shady Lane and Oakwood Avenue, in the Town of Clayton (Tax ID #006-0031), with the staff recommendations and conditions and that this will not set a precedence for future private drives.
CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board action on a Plan Commission review and recommendation on a CSM for First Business Bank, P.O. Box 057, Appleton, WI 54912, for property located on the northwest corner of Larsen Road and Center Road extended in the Town of Clayton (Tax ID #006-0576).

The Plan Commission recommended approval of the proposed CSM for the Business Bank, P.O. Box 057, Appleton, WI 54912, for property located on the northwest corner of Larsen Road and Center Road, extended into the Town of Clayton (Tax ID #006-0576) with the following staff recommended conditions:

1. Dedication of the right-of-way for the future northern extension of Center Road as shown on the Town's Official Map.
2. Drafting and recording of a Memorandum of Understanding on the right-to-farm the Town's dedicated right-of-way.
3. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

MOTION: (Klingenberger, Lettau) Approve CSM for First Business Bank, P.O. Box 057, Appleton, WI 54912, for property located on the northwest corner of Larsen Road and Center Road extended in the Town of Clayton (Tax ID #006-0576), with and including all of the staff and Plan Commission recommendations.
CARRIED by unanimous voice vote.

- F. **Discussion / Action** – Town Board action on a Plan Commission review and recommendation on the Winnebago County Petition of Planning & Zoning Committee for the proposed text amendment change affecting Chapter 22, "Winnebago County Comprehensive Plan", of the Winnebago County General Code.

The Plan Commission forwarded this issue to the Board with no recommendation. The Board may wish to approve the proposed text amendment change affecting Chapter 22, "Winnebago County Comprehensive Plan", of the Winnebago County General Code as a matter of course. The County will likely approve the language changes with or without the Town's recommendation.

MOTION: (Klingenberger, Geise) Send Winnebago County a notice concurring with Vinland's resolution: we do not support the amendments to 22.09 (inclusion and adherence to city and village plans), the legislature, with the approval of the Governor, changed Chapter 236.45(3)(B), the proposed text amendment does not reflect this change, delete three words from the text amendment (zoning, changes and), and the text amendment to read "Only proposed major land divisions shall be required to be in compliance with the plan in these areas."
CARRIED by unanimous voice vote.

- G. **Discussion / Action** – The Board will conduct a second reading and act on Resolution #2010-015: A Resolution Amending the Ordinance setting the Speed Limits within the Town's Subdivisions and on certain specified Town Roads. The amendment would reduce the speed limit on Shady Lane from STH "76" to approximately 2,500 feet west of the intersection of Shady Lane and STH "76".

The Board held the Public Hearing and First Reading of Resolution #2010-015 amending the Ordinance setting speed limits on certain Town roads at its Wednesday, October 6, 2010, meeting. The Board is scheduled to hold the Second Reading and final consideration of Resolution #2010-015 at its Wednesday, October 20, 2010, meeting.

The amendment to the Ordinance is based upon a petition submitted by residents on Shady Lane west of STH "76". The Petition asked that the Speed Limit on Shady Lane west of STH "76" be set at 45 miles per hour for approximately 2,500 feet west, starting at the intersection of Shady Lane and STH "76".

If approved, the speed limits would become effective with the Publication of the Ordinance. Staff would place the speed limit signs in the appropriate locations in the Town following the Publication of the Ordinance.

Former Town Chair Schroeder asked about the speed limit on Woodenshoe Road. The State Department of Transportation submitted communication regarding this issue. The Town's Engineer has submitted an opinion that jurisdiction for the speed limit on roads should be concurrent with maintenance jurisdiction.

Based upon the Town Engineer's opinion, the Administration has removed the speed limit designation for Woodenshoe Road from the proposed Resolution.

Town Board unanimously waived the second reading of Resolution #2010-015.

MOTION: (Lettau, Schmidt) Approve Resolution #2010-015: A Resolution Amending the Ordinance setting the Speed Limits within the Town's Subdivisions and on certain specified Town Roads. The amendment would reduce the speed limit on Shady Lane from STH "76" to approximately 2,500 feet west of the intersection of Shady Lane and STH "76".

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

- H. **Discussion / Action** – Town Board discussion and direction to staff on a Plan Commission report and referral on the remodeling of the existing Fire Station or the construction of a new Fire Structure in the Town of Clayton.

The Board asked that this issue remain on the Meeting Agenda so that it could discuss and consider additional material it may wish to present to the Town's Electors. At the Town's CY 2010 Annual Meeting, the Board indicated to the Electors present that it would notify them by mail of the time and date of the Special Electors Meeting relative to the Fire Station issue.

A number of Plan Commission members have asked that the Town mail notices to all residents.

The Administration would respectfully request direction from the Board relative to the expanded notice request. The Board may wish to take this opportunity to provide staff with the verbiage for the proposed notice. The Administration is concerned with avoiding any bias in the notice language. Staff will prepare draft language for the Board to consider.

Discussed sending notice to everyone versus those who attended the Annual Meeting in April, 2010.

Board direction: the following notice to all Town residents –

The Town of Clayton will be holding a Special Town Electors' meeting at the Town Municipal Building, 8348 County Road T, Larsen, WI 54947, at 7:00 p.m. on Monday, November 15, 2010.

Pursuant to the citizens' direction at the April 13, 2010, Annual Meeting, the Board will be presenting options relative to fire department facilities within the Town of Clayton. The elector will vote on authorization for the Board to proceed.

- I. **Discussion / Action** – Town Board action on a Change Order for the Contract used to generate the Plan Commission's report and referral on the remodeling of the existing Fire Station or the construction of a new Fire Structure in the Town of Clayton.
 1. Consideration of a Change Order for additional Plan Commission meetings attended by the Contractor.
 2. Consideration of a Change Order for additional planning and architectural work requested by the Town Board.

Change Order for additional Plan Commission meetings:

The first of the two Change Orders to be considered by the Board is for additional meetings held by the Plan Commission in order to prepare its report to the Board on the costs of renovating the existing Town Fire Hall vs. constructing a new comparable Fire Hall at an undetermined site.

The Contract with the Town's Engineer allowed for the Town's Plan Commission and staff to hold six meetings with the Town Engineer in order to complete its assignment. In addition to the two allotted meetings, the Plan Commission held an additional five meetings in order to generate its report to the Board.

Pursuant to the Contract, the Town Engineer would like to submit a Change Order for the additional meetings and preparation time for those meetings. The cost of the Change Order is \$1,825.00; the additional cost will not exceed the total authorized amount of \$10,500.00 because of some cost savings generated in the planning process.

The Administration believes that the proposed Change Order is justified and that the Change Order amount is correct based upon the documentation submitted by the Town’s Engineer. If approved, the funding for the proposed Change Order will come from the Town’s CY 2010 Budget, Planning Line Item.

Change Order for additional planning and architectural work:

The Town Chair and the Administrator met with the Town’s Engineering firm to generate the concept plan of an additional building plan option. The plan, as envisioned, combines the Town Hall into an expanded version of the existing Fire Hall. The expansion of the Fire Hall structure, as envisioned, would reduce the program space from the Fire Department’s ideal; however, it would provide space for training and offices.

Approval of the Change Order would allow the Town’s Engineer to generate a formal concept plan and cost estimates for the Board’s November 3, 2010, meeting. The cost of the proposed Change Order is \$3,015.00; the funding would come from the Town’s CY 2010 Budget, Planning Line Item.

MOTION: (Klingenberger, Schmidt) Approve Change Order for \$1,250.00 for Martenson & Eisele. CARRIED by unanimous voice vote.

MOTION: (Schmidt, Klingenberger) Approve Change Order for additional planning and architectural work as requested for \$3,015.00. CARRIED by unanimous voice vote.

- J. **Discussion / Action** – Town Board action on approving a CY 2010 Budgeted State Trust Fund Loan with a term of five (5) years and an amount of \$500,000.00 for the reconstruction of approximately one (1) mile of Larsen Road, from Clayton Avenue to STH “76”.

Staff has forwarded the Trust Fund Loan pre-application to the State for consideration. The Administration has kept this item on the Agenda so the Board may consider any material provided by the State Trust Fund for the purposes of finalizing the Town’s Trust Fund Loan Application. Any material provided by the State Trust Fund Board after Wednesday, October 20, 2010, will be placed on the Board’s November 3, 2020, meeting agenda. The Administration’s goal is to finalize the Town’s loan prior to December 31, 2010. In the interim, staff will use the Town’s reserve funds to pay the bills for the Larsen Road project and refund the accounts when the loan process is completed.

Supervisor Klingenberger read the “Form of Record (preamble and resolutions)” section of the Application for State Trust Fund Loan aloud.

MOTION: (Klingenberger, Geise) Approve CY 2010 Budgeted State Trust Fund Loan with a term of five (5) years and an amount of \$500,000.00, for the reconstruction of approximately one (1) mile of Larsen Road, from Clayton Avenue to STH “76”. CARRIED by unanimous voice vote.

- L. **Discussion / Action** – Town Board action on the following Change Orders on the Larsen Road Project:
 1. Consideration of a Change Order for excavation below sub-grade over the length of the project.
 2. Consideration of Change Orders to allow for the installation of the trail without the unnecessary removal of trees.
 - a. Richard E. and Carol H. Breaker, 2603 Larsen Road
 - b. Jason D. Ehrmentraut, 2847 Larsen Road
 3. Consideration of a Change Order for delaying the installation of the final lift of asphalt on the project until CY 2011.

Administration's comments:

Change Orders relating to the Trail (Change Order #1):

1. The Change Orders for the Ehrmentraut property, the Breaker property and the yard drains occurred as a result of the installation of the trail. The trail was shown as part of the Town's Park and Open Space Plan and the Town's Official Map Document. Both of these long-range planning documents would routinely be considered in the Capital Project Planning and implementation. The need for the storm sewer and curb was created by the Town's desire to save the trees on the Ehrmentraut and Breaker properties; the Board could have exercised its Statutory Authority to clear the trees in its right-of-way. In an attempt to better serve the Community, the Board decided to save the trees and their value to the property owners.
2. The Change Order for the yard drains should have been part of the original project bidding documents. Yard drainage would be a routine consideration when rebuilding a road and should have been an absolute consideration when installing the trail.

Change Orders relating to the Salm Properties (Change Order #2):

1. These Change Orders relate to specific circumstances dealing with idiosyncrasies of eh property and could not have been foreseen without prior participation by the property owners. The Salms did not attend the Public Forum and Informational Meeting for the project. However, Keith Salm did advise the Town of the issues following the award of the project. The proposed Change Orders simply make the Salm families whole and do not represent any improvements to the properties.

Change Orders relating to Excavation Below Sub-grade (EBS) (Change Order #3):

1. The Town's Engineer took the routine precautions when developing the plans for the project by having soil borings taken at intervals on the length of the road. These soil borings showed the possibility for the need of some EBS; however, there was significantly more EBS required than predicted. In order to protect the Town's investment in the project, it was necessary to remove the questionable material from earlier roadbeds to the extent possible. Even with the EBS that was done, staff is still not certain of the stability of the road at this time. This is why staff has made the request to delay the final course of asphalt on the project.

Change Orders relating to the Final Course of Asphalt (Change Order #4):

1. The Administration has asked the Town's Engineer to solicit the cost for this Change Order based upon the presence of several soft spots in the base course of the road. Staff has consulted with the Town Engineer and several other experts on the soft spots in the road. The consensus is that the water needs to be given time to evacuate the base of the road and that a frost cycle may aid in the process. Holding off on the final lift of asphalt will allow the Town to repair any soft spots in spring and then place the final lift on the road.

The Administration's main concern is the funding for the final lift of the project. The Board's direction has been to take the costs of the trail out of the "old park impact fee reserve". If that direction is confirmed, the fee reserve will likely be exhausted. The CY 2009 Audited Balance in that account is \$65,000.00. If these funds are dedicated to the trail costs, the Administration is confident that the project can be completed without any significant funding issues. The Administration will set aside that portion of the Town's borrowing for the project and carry the funds over to the CY 2011 Budget as part of the CY 2010 Audit fund balance carryover distribution.

Additionally, there will be a Change Order for placing the second lift of asphalt in Spring of CY 2011.

MOTION: (Schmidt, Klingenberger) Approve Change Order #3.
CARRIED by unanimous voice vote.

MOTION: (Geise, Schmidt) Approve Change Order #1.
CARRIED by unanimous voice vote.

MOTION: (Klingenberger, Schmidt) Approve Change Order #2.
CARRIED by unanimous voice vote.

MOTION: (Luebke, Schmidt) Approve Change Order #4 with the addition not to exceed \$750.
CARRIED by unanimous voice vote.

- M. **Discussion / Action** – Town Board action of an approval of repairs to 1998 IHC Truck in the amount of \$2,100.00, with the funding coming from the Town’s Public Works Repair and Maintenance Budget Line Item.

The Town received three proposals to repair the failing front suspension of the Public Works Department’s Truck #2, a 1998 ICH plow truck. The front springs and associated shackles are failing and need to be replaced before the truck can be put into service for plowing this winter. The failures appear to be substantial and present a safety concern. These repairs would routinely be completed with Administrative authorization. However, the Public Works Department’s budget has been exhausted by significant repairs required by aging equipment.

The Administration respectfully requests that the Board authorize the needed repairs to Truck #2, not to exceed \$2,100.00, by over-spending the Public Works CY 2010 Budget, Repair and Maintenance Line Item. The Administration would like to advise the Board that the overall Public Works Budget is well within the approved funding.

MOTION: (Klingenberger, Schmidt) Approve repair of 1998 IHC Truck in the amount of \$2,100.00, with the funding coming from the Town’s Public Works Repair and Maintenance Budget Line Item
CARRIED by unanimous voice vote.

- N. **Discussion / Action** – Town Board action setting the Town’s participation in the Winnebago County Solid Waste Rebate Program Agreement and Tonnage Designation Form – 2011.

Town of Clayton’s CY 2010 Winnebago County Solid Waste Rebate Program Agreement and Tonnage Designation Form.

Town of Clayton’s CY 2011 Winnebago County Solid Waste Rebate Program Agreement and Tonnage Designation Form and the supporting documentation for the program.

Given the impact of the current economic climate and the transition to single-stream recycling on garbage volumes, the Town may wish to reduce its CY 2011 estimated delivered tonnage of municipal solid waste to 1,250 tons. Once the Board designates the estimated tonnage of solid waste, the Administration will complete the documents and return them to the Winnebago County Solid Waste Board.

MOTION: (Luebke, Lettau) Approve the Town’s participation in the Winnebago County Solid Waste Rebate Program Agreement and Tonnage Designation Form for 2011 per Administration recommendations.
CARRIED by unanimous voice vote.

- O. **Discussion / Action** – Town Board approval for providing the Town’s Public Works Foreman with a Municipal Cellular Telephone for business use and emergency contact.

The Public Works Foreman has been using his personal cell phone for business use during the work day. Given the cell phone plan that the Public Works Foreman uses, this activity has significantly increased his personal cell phone bills.

The Administration is proposing that the Town provide the Public Works Foreman position with a business cell phone at the Town’s expense.

The Town’s Treasurer completed research relative to this issue. The Administration will review the Town’s options and contract with the most reasonable provider of the appropriate services. The phone services should cost approximately \$750.00 per year and would be implemented with the CY 2011 Town Budget. In the interim, the Administration has advised the Public Works Foreman to limit use of his personal phone for work-related issues.

MOTION: (Klingenberger, Geise) Authorize providing the Town’s PWF with a municipal telephone for business use and emergency contact
CARRIED by unanimous voice vote.

- P. **Discussion/Recommendation:** – Town Board direction to staff relative to the continued leasing of the Town-owned land located at 2990 CTH “II”, specifically identified as Tax ID #006-0391-05, in the Town of Clayton.

Administration has been asked by the current tenant about the future of the Town-owned land on CTH “II”. The tenant would like to improve the land for agricultural purposes and his lease is scheduled to renew for the next year in December of CY 2010. The Administration has indicated that for CY 2011, it would not be unreasonable to compensate him for his out-of-pocket expenses if the Town would need the land before he would harvest his crop in CY 2011. This position is based upon the belief that the land is not likely to be used for municipal purposes in CY 2011.

Because of funding cycles and planning timelines, any construction projects the Town is considering would not likely occur until CY 2012. The Administration would like the Board’s direction relative to future lease agreements and compensation for out-of-pocket expenses if the Town needs the land prior to the harvest period. If the Board would like to formalize the existing process, out-of-pocket expenses should be more formally defined in the lease agreement.

Board direction: Wait to address this until CY 2012 renewal.

- Q. **Discussion/Recommendation:** – Town Board recommendation to staff on creating a Christmas Tree collection program for the Town.

The Administration has had discussions with the Board relative to having a Christmas Tree pick-up program for the Town.

The Administration would like the Board’s direction relative to a program to pick up Christmas Trees the week of January 17, 2011. During that week, the Public Works staff would divide the Town into quadrants, pick up the trees on a daily basis, and deposit them at the Town’s yard waste site for shredding. This activity would be scheduled as weather conditions allow. Staff would continue to pick up trees until the process is completed.

If approved, the program would be advertised in the Town’s newsletter and on the Town’s internet home page. The Administration believes this activity will have no impact on the Town’s Budget. Any costs for the project are related to staff and fuel and will be absorbed within existing budget dollars.

Residents commented on item: Marvin Grunski (8461 Pioneer Road)

MOTION: (Schmidt, Luebke) Open Yard Waste Site for the week of January 17, 2011, for residents to dispose of their Christmas trees.

CARRIED by 3-2 voice vote. (Lettau = no, Klingenberger = no)

VII. Upcoming Meeting Attendance

- Special Town Electors’ Meeting regarding Fire Station – November 15, 2010, 7:00 p.m.
- CY 2011 Levy & Transportation Budget Approval by Electors – November 17, 2010, 7:00 p.m.

IX. Board Member Requests for Future Agenda Items

- Cost of installing trails

X. Approval of Disbursements

MOTION: (Schmidt, Geise) Approve payment to Peters Concrete for \$164,565.23.
CARRIED by unanimous voice vote.

MOTION: (Luebke, Klingenberger) Approve August Settlement for CY 2009 tax disbursements.
CARRIED by unanimous voice vote.

MOTION: (Unanimous consent) Approve write-off of balance due of \$21.00 for Rodeo Bar for the poster space fee from ClaytonFest 2010.
CARRIED.

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

XI. Adjournment – 10:00p

MOTION: (Unanimous consent) Adjourn.
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*