

# TOWN OF CLAYTON

## Regular Meeting of the Town Board of Supervisors Meeting Minutes

November 17, 2010  
7:21 p.m. – 8:07 p.m.

8358 County Road T Larsen, WI 54947

### I. Call to Order

Called to order at 7:21 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
Interim Treasurer Bowen	PRESENT
Public Works Foreman Pamerter	PRESENT
Town Engineer Madsen	PRESENT

Meeting properly posted; three locations in the Town.

### II. Approval of Minutes

- Regular Town Board Meeting – October 20 2010  
October 20, 2010, Meeting Minutes already approved.  
Approval of November 3, 2010, Meeting Minutes – approve at the December 1, 2010, Town Board Meeting

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

- Pastor Paul, Immanuel Lutheran Church – New Pastor Introduction

### IV. Correspondence – none

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

- County Supervisor Report – Supervisor Joanne Sievert, District 29, present: no report
- Winnebago County Sheriff's Dept. – No deputy present
- Clayton-Winchester Fire Chief Report – Fire Chief not present: 82 calls Year-To-Date
- Administration Comments –

Town Administrator: Culvert replacement to be left as gravel patch surface to settle through winter and pave in spring of 2011; working on basic research of grants for possible expansion of building next door; grants for municipal buildings, safety structures, fire halls, renovations for fire halls, etc.; we will draft a generic grant application; most grants require a municipal grant

Clerk: Newsletter to go out early December

Town Public Works Foreman: Cutting ditches now tractor is fixed, getting trucks ready for winter

Town Engineer: Oakwood culvert replacement began today; Larsen Road paved with temporary centerline, trail in front of Ehrmentraut property and south ditch on far east end to be cleaned up yet this year, seeding to be completed in spring of 2011, fine grading of south side ditch and portion of north side ditch to be completed in spring of 2011, upcoming East Central Planning meeting

**VI. Zoning – Receipt of Information from Plan Commission**

Plan Commission Chair Knapinski reviewed the following:

- A. Plan Commission review and recommendation on a Rezoning request from A-2 (General Farming District) to R-1 (Single Family non-subdivided) 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)
- B. Plan Commission review with staff of the Town’s proposed wind energy device Ordinance
- C. Plan Commission review with staff of the Outagamie County’s Airport Zoning Overlay and Matrix process

**VII. Licenses**

- A. **Discussion / Action** – Operator Licenses
  - New – Rosita M. Zink
  - New – Christina L. Cardinal

**MOTION:** (Unanimous consent) Approve the new operator license for Rosita M. Zink.  
CARRIED.

**MOTION:** (Unanimous consent) Approve the new operator license for Christina L. Cardinal.  
CARRIED.

**VIII. Business**

- A. **Discussion / Action** – Town Board action on a Plan Commission review and recommendation on a Rezoning request from A-2 (General Farming District) to R-1 (Single Family non-subdivided) 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)

Staff Comments:

- 1. The property consists of approximately 5.8 acres and is currently zoned A-2 (General Farming District). The owner has petitioned the Town and the County to rezone the property to R-1 (Single Family non-subdivided). The reason for the rezoning is to comply with the County’s minimum lot size created by the recently approved 2-Lot CSM of the property. It is the stated intent of the property owners to sell the recently created lots for residential development. Both of the lots created by the recent CSM are required to take public access from frontage on the private road known as Wismer Lane.
- 2. The proposed rezoning of both lots is consistent with the Town’s approved Land Use Plan.
- 3. Neither of the lots is in the County’s Floodplain Zoning Area.
- 4. Neither of the lots is in the County’s Wetland Identifier.
- 5. Both lots are in the County’s Shore Land Zoning District and carry a 300-foot shore land zoning limit that will need to be approved by the County.
- 6. The lots are in the Neenah School District.
- 7. The lots are in the Department of Natural Resources Special Well Casing area.
- 8. The lots are in the County’s Airport Overlay Zoning District and as such have building height restrictions. However, the Town has not formally adopted an Airport Zoning District overlay; therefore, the Town can only encourage compliance with the Airport Zoning District overlay.

Findings:

- 1. The Town of Clayton does have an adopted Comprehensive Land Use Plan.
- 2. The Town of Clayton does have an Approved Official Map.
- 3. The property to be rezoned does comply with the County Zoning Code.
- 4. The proposed rezoning does comply with the Town’s Comprehensive Land Use Plan and Official Map.

The Plan Commission recommended approval of the proposed rezoning with the following conditions:

- 1. Documentation of the approval for the proposed rezoning by any overlying unit of government having jurisdiction.

**MOTION:** (Geise, Lettau) Approve the rezoning request from A-2 (General Farming District) to R-1 (Single Family non-subdivided) 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) including all staff comments and findings.  
CARRIED by unanimous voice vote.

- B. **Discussion / Action** – Town Board action on Resolution 2010-017: A Resolution to Approve and Set the Town’s Levy and Transportation Budget

**MOTION:** (Klingenger, Lettau) Approve Resolution 2010-017: A Resolution to Approve and Set the Town’s Levy of 11200400 and Transportation Budget of 1252884.70  
CARRIED by unanimous voice vote.

- C. **Discussion / Action** – Town Board review and approval of the Town’s Draft CY 2011 Revenue Budget, Operating Budget, and Capital Budget

The three main budget categories are Revenues, Capital Expenses, and Operating Expenses; each of these main categories has multiple sub-categories.

The Draft Budget presented is the product of the Budget Review Sessions the Board held over the past months. The Draft Budget documents are those reviewed at the Board’s last meeting

The only known potential change would come from the inclusion of the Town’s Assessment records on the Contractors’ Internet Home Page. Should the Board opt to take advantage of the offer made by the Town’s assessment contractor, the Administration would prepare a Resolution transferring the funds from the Town’s Designated Reserve Accounts to the Assessment Budget Line Item.

The only other area of uncertainty is the Capital Reconstruction project in the southeast corner of the Town (the Plats of Oak Openings and Oak Manor Estates).

Administration recommends that the Board not change the funding for the projects; however, the projects may be pushed into CY 2012. The potential delay would allow staff to research the sanitary sewer issues in the area before reconstructing the roads. The CY 2011 funding also allows the Board the option of doing some stormwater management work in the area to mitigate the area’s flooding issues.

**MOTION:** (Klingenger, Schmidt ) Approve the Town’s Draft CY 2011 Revenue Budget, Operating Budget, and Capital Budget.  
CARRIED by unanimous voice vote.

- D. **Discussion / Action** – Town Board review and action on the Administration’s performance evaluation of the Town Clerk and the conversion of the Clerk’s position from an employment agreement position to an at-will employee

Administration understands that Ms. Susan Nester-Huebner has been operating as an appointed Clerk with an Employment Agreement. With the approval of the Town’s new Personnel Manual, Administration recommends that the Clerk’s position be converted to an at-will employee who is appointed Clerk. This will allow for a year-to-year appointment with all the benefits outlined in the Personnel Manual, rather than those negotiated in an employment agreement.

Relative to compensation, Administration recommends that the wage stay at its current level of \$36,880.80 per year plus benefits. This is not a decision personal to the Clerk, but recognition of the critical economic times in which so many Americans are living. The Town of Clayton alone has lost approximately \$6,000,000.00 of property value and is currently suffering from even more limited revenues than usual, while facing significant pending expenses.

Therefore, in order to ease the “sticker shock” of the annual property tax bill for the most economically fragile residents of the Town, Administration takes the position that the wages of all non-represented Town employees be held at 2010 levels. This recommendation is not intended to imply that the Town’s staff does not merit a cost of living and/or a performance increase, but that under the current economic conditions the Town’s residents need a degree of tax relief.

**MOTION:** (Geise, Klingenger) Approve performance evaluation of the Town Clerk and convert the Clerk’s position from an employment agreement position to an at-will employee and with appointment to run through April, 2012.  
CARRIED by unanimous voice vote.

- E. **Discussion / Action** – Town Board action on converting the Town Treasurer from a contract employee to an at-will Town Employee with a 6-month probationary period and a probationary wage of \$15.00 per hour

Based upon Ms. Tori Bowen’s performance in the past few months, Administration would like to hire her to fill the vacant Town Treasurer position. Ms. Bowen has proven to be a valuable asset to the Town as the acting Treasurer. Based on the Town’s Employment Manual, Administration would like to hire Ms. Bowen with a 6-month probationary period at a starting wage of \$15.00 per hour. The proposed wage is \$1.00 less than that of the previous Treasurer.

The job offer comes with all the Town’s benefits including Health Insurance through the Teamsters Union and the State Retirement program with the Town paying both the employee’s and the employer’s contributions. Ms. Bowen would be eligible for Health Insurance on March 1, 2011.

Prior to the end of the 6-month probationary period, Administration will provide the Board with a Probationary Performance Evaluation in anticipation of making Ms. Bowen a full-time, regular Town employee.

**MOTION:** (Luebke, Geise) Authorize the conversion of the acting Town Treasurer from a contract employee to an at-will Town Employee with the wage and salary to be set at the next Town Board meeting.

CARRIED by unanimous voice vote.

- F. **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

Based upon the Board’s review of this issue with John Holtan, Vice-President of Associated Appraisal Consultants, Inc., Mr. Holtan has offered to put the Town’s assessment roll on the Associated Appraisal Consultants, Inc., internet home page and have his firm cover 50% of the cost of the service. This would reduce the cost of the project from \$600.00 per year, or \$50.00 per month, to \$300.00 per year, or \$25.00 per month.

If the Board elects to take Mr. Holtan’s offer, it should request that the service be offered for the duration of the contract. This process will represent a minimal change from the Town’s Published CY 2011 Budget and would require an allocation from the Town’s CY 2011 reserve funds. Administration continues to believe that there is some benefit to publishing the assessment roll on the internet and that the value will increase over time as the public finds the documentation.

No motion made.

**X. Upcoming Meeting Attendance**

- Christmas Dinner December 11, 2010 – Town Board, Plan Commission, Green Space Committee, and Staff

*Pastor Paul Meyer arrived at 7:57pm.*

- Introduced himself, inquired as to what he and his congregation can do for the community

**XI. Board Member Requests for Future Agenda Items**

- Fire and Park Impact Fees – utilization of these fees
- Process for building project next door

**XII. Approval of Disbursements**

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

**MOTION:** (Schmidt, Lettau) Approve disbursement of Peters Concrete Company in the amount of \$255,536.69.  
CARRIED by unanimous voice vote.

**X. Adjournment – 8:07p**

**MOTION:** (Unanimous consent) Adjourn.  
CARRIED.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*