

TOWN OF CLAYTON  
Town Board of Supervisors  
Meeting Minutes

7:00 P.M. – 7:57 P.M. on Wednesday, December 21, 2011

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

---

I. Call to Order:

A. Pledge of Allegiance, Notice Verification, Roll

1. Town Board Chair Luebke called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recitation waived.
3. Meeting properly posted, three locations in the Town.
4. Roll

a. Board of Supervisors

Chair Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

b. Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Treasurer Bowen	PRESENT
Public Works Foreman Pamentner	PRESENT
Town Engineer Miller	ABSENT (Excused)

II. Public Hearing:

A. No Public Hearing.

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, December 7<sup>th</sup>, 2011

**MOTION:**

Motion by: Unanimous consent

Approve the Regular Town Board Meeting minutes of Wednesday, December 7<sup>th</sup>, 2011, as written.

CARRIED.

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

A. No open forum items.

V. Correspondence:

A. Outagamie County Planning and Zoning Administration – Airport Overlay Public Hearing on Tuesday, December 20, 2011

1. Plan Commission Chairperson, Dick Knapinski, overviewed the Public Hearing

B. Winnebago County Solid Waste Management Board – November 2011 Recycling Tonnage Report

## VI. Discussion Items (No action will be taken.):

- A. County Supervisor Report
  - 1. County Supervisor Joanne Sievert not present, no report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
  - 1. Sheriff Deputy Vinje (arrived at 7:29pm), no questions or concerns
- C. Clayton-Winchester Fire Department
  - 1. CWFD member Dave Dekeyser present
  - 2. Update: 99 calls year-to-date
- D. Larsen Winchester Sanitary District
  - 1. LWSD Chairperson, Mike Pfankuch, present: Mike Kinney is representing Town of Winchester, rebuilt the fence around the ponds, annually the ponds are drained down in November, brush in the ponds was cleaned out, presently looking at possibly adding aerators in the ponds to help with material breakdown
- E. Administration Comments
  - 1. Administrator: no report
  - 2. Clerk: 2011 tax bills sent out, new server installed, newsletter posted on website and hard copies mailed out
  - 3. Treasurer: no report
  - 4. Public Works Foreman: working on the project of installing an open-bottom culvert on Oakwood Ave. at the intersection of Golf Wood Drive
  - 5. Engineer: no report
  - 6. Chair Luebke: Communication from town resident regarding tax bills
  - 7. Supervisor Lettau: no report
  - 8. Supervisor Grundman Erdmann: no report
  - 9. Supervisor Schmidt: no report
  - 10. Supervisor Geise: no report

## VII. Licenses and Permits:

- A. Discussion/Action – Consideration and approval of Operator Licenses:
  - 1. New – Michael J. Brown (Not present)
  - 2. New – Laura K. Hinske (Not present)
  - 3. New – Heather A. Jelinski (Present)

**MOTION:**

Motion by: Unanimous consent  
Approve the Operator License for Michael J. Brown.  
CARRIED

**MOTION:**

Motion by: Unanimous consent  
Approve the Operator License for Laura K. Hinske.  
CARRIED

**MOTION:**

Motion by: Unanimous consent  
Approve the Operator License for Heather A. Jelinski.  
CARRIED

## VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:

Plan Commission Chairperson, Dick Knapinski, overviewed the following items:

- A. Town Board receipt and consideration of a Plan Commission recommendation of a Certified Survey Map (CSM) for Carrie and Kevin Abitz 8833 Umland Road, Larsen, WI 54947, and Jane and Richard Moderson, 8821 Umland Road, Larsen, WI 54947, for property located at and north of 8833 Umland Road, Larsen, WI 54947, in the Town of Clayton, and described as Tax ID # 006-0486-01, and part of Tax ID # 006-0486; specifically, being part of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 18, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.
1. The Plan Commission has recommended approval of the proposed CSM including the staff's recommendations and the addition of Note 2 from the Town's Comprehensive Plan Map:
    - a. Confirmation of the County's position relative to split zoning of properties.
    - b. Documentation of the approval of the proposed CSM by any overlying unit of government with jurisdiction.
    - c. NOTE 2:
      - 1) In the interest of making sound land use decisions, property owners in the USH "10" Corridor west of Oakwood Avenue are advised that at some point in the future, the demand for commercial development may expand west from the area shown as Business on the Future Land Use Plan. Property owners in the Corridor are advised that the Town of Clayton will support the expansion of commercial development in the USH "10" Corridor west of Oakwood Avenue when the infrastructure needed to support the commercial development can be provided in a cost effective and efficient manner. Property owners in the Corridor are advised that, in planning for the sale and/or development of their properties, they should consider the potential impact of future commercial development on their properties.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Approve the Certified Survey Map (CSM) for Carrie and Kevin Abitz 8833 Umland Road, Larsen, WI 54947, and Jane and Richard Moderson, 8821 Umland Road, Larsen, WI 54947, for property located at and north of 8833 Umland Road, Larsen, WI 54947, in the Town of Clayton, and described as Tax ID # 006-0486-01, and part of Tax ID # 006-0486; specifically, being part of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 18, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin, along with all the staff and Plan Commission recommendations.

CARRIED by unanimous voice vote.

- B. Town Board receipt and consideration of a Plan Commission recommendation of a Certified Survey Map (CSM) for VH Enterprises, P.O. Box 7110, Appleton, WI 54912-7076, for property located at 8520 Martin Road, Neenah, WI 54956, in the Town of Clayton and described as Tax ID #006-0368-04, and part of Tax ID # 006-0368-03.

Specifically, Being Part of Lot1 and all of Lot 2 of Certified Survey Map # 4958 as Document # 1172116, Being Parts of the Northeast ¼ and Northwest ¼ of the Southeast ¼ of Section 13, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

1. The Plan Commission has recommended approval of the proposed CSM including the staff's recommendations:
  - a. Dedication, at the property owner's discretion, of the two access points from Lot 1 to Clayton Avenue south of Kline Street.
  - b. Providing documentation of the access permit for Kline Street to connect to Clayton Avenue.
  - c. Documentation of the approval of the proposed CSM by any overlying unit of government with jurisdiction.
2. Present: Ben Haupt (2525 N. Casaloma Dr., Appleton, WI)

Sheriff Deputy Vinje arrived at 7:29pm, no issues to pass on

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman Erdmann

Approve the Certified Survey Map (CSM) for VH Enterprises, P.O. Box 7110, Appleton, WI 54912-7076, for property located at 8520 Martin Road, Neenah, WI 54956, in the Town of Clayton and described as Tax ID #006-0368-04, and part of Tax ID # 006-0368-03. Specifically, Being Part of Lot1 and all of Lot 2 of Certified Survey Map # 4958 as Document # 1172116, Being Parts of the Northeast ¼ and Northwest ¼ of the Southeast ¼ of Section 13, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin, along with all staff and Plan Commission recommendations.

CARRIED by unanimous voice vote.

- C. Town Board receipt and update on the Plan Commission's review of proposed changes and updates to the Town's Sub-division Ordinance.
  1. Staff reviewed the Town Attorney's recommendation for changes to the document. Additionally, the Town's Planner made some additional recommendations for changes. Staff will prepare a line and strike copy of the document for the Plan Commission to review at its January Meeting.

No motion on this item.

- D. Town Board receipt and update on the Plan Commission's update on the Winnebago County Zoning Code revision process.
  1. Staff reviewed the County's plans for implementation of the re-written Zoning Code as well as the Town's options for implementing its own Zoning Code.

No motion on this item.

- E. Town Board receipt and update on the Plan Commission's review of the Multi-Zoned Parcels identified in the Town of Clayton.
  1. Staff updated the Commission on the Multi-Zoned Parcels identified in the Town of Clayton and the process the County is proposing to correct the multi-zoned parcel problem in the Town.

2. Staff will be notifying the residents on the list of their options relative to the process.

No motion on this item.

F. Town Board receipt and update on the Plan Commission’s update on the Outagamie County’s Airport Zoning Overlay process.

1. Staff will be verifying that residents in the Airport Overlay District have been notified of the scheduled Outagamie County Committee Public Hearing.

No motion on this item.

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

- A. No referrals.

X. Business:

The Town Board unanimously agreed to address Item G first, and then return to Item A and continue through the remaining agenda items.

G. Discussion/Recommendation: Town Board review and consideration of granting a fiber optic duct and related facilities easement upon, along, over, under, and across the Friendship Trail as identified is the Easement documentation.

1. Each Town Board member received a finalized copy of the Easement to Winnebago County for placing the fiber optic cable in the Friendship Trail.
2. The fiber optic cable is intended to connect the County’s existing communication system to the old radar station on Fairview Road.
3. The fiber optic system was installed over the course of the summer.
4. The easement document specifically locates and formalizes the granting of the easement to the County.
5. Patty Francour of the Winnebago County Information Systems Department will be at the meeting to answer any questions Board members may have.
6. If the Board is comfortable with the process, a motion granting the easement to the County as presented would be in order.
7. This formalizes the process that began in early 2010.
8. Present: Patty Francour (1000 Bowen St., Oshkosh, WI – representing the Winnebago County Information Systems Department)
9. Commented on item: No resident comments.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Grant a fiber optic duct and related facilities easement upon, along, over, under, and across the Friendship Trail as identified is the Easement documentation.

CARRIED by unanimous voice vote.

- A. Discussion/Action: Town Board review and consideration of Resolution 2011-029: A Resolution Creating a Statutorily required list of appointed Election Poll Workers submitted for approval by the Town Clerk.
1. The actual resolution should be numbered 2011-030; the title remains the same.
  2. Each Town Board member received a copy of Resolution 2011-030: A Resolution Creating a Statutorily required list of appointed Election Poll Workers submitted for approval by the Town Clerk.
  3. The list includes those names submitted by both the Democratic and Republican Parties; the Clerk has been in contact with both parties relative to their respective Poll Worker list.
  4. Each Town Board member also received a copy of the statutory reference relative to the issue.
  5. The list of Poll workers is valid for the two-year election cycle (2012-2013) and is used to select individuals who will work at the Town's elections.
  6. If the Board agrees with the proposed Poll Worker list, a motion to approve the list as presented would be in order.
  7. Commented on item: No resident comments.

**MOTION:**

Motion by: Unanimous consent

Approve the 2012-2013 Election Cycle Poll Worker list as presented.

CARRIED

- B. Discussion/Action: Town Board review and consideration of an amendment to the Town's Assessment Contract with Associated Appraisal Consultants, Inc.
1. Each Town Board member received a copy of the proposed Contract Amendment Agreement for Full Value Maintenance Assessment Services with Associated Appraisal Consultants, Inc.
  2. The Administration is taking the position that despite the fact that the Mill Rate is a calculated number and controlled by the Levy and the Assessed Value of the Community, it is the number that most individuals will look at as an indicator of how much their tax rates have changed.
  3. The proposal requires that Associated Appraisal Consultants, Inc., continue to assesses 25% of the Community on an annual basis and report those values to the State on a four-year cycle or as directed by the Board.
  4. This process will allow the Board the option of maintaining a consistent Mill Rate and reporting to the State if it sees a significant discrepancy on either side of the State's valuation limits.
  5. The proposed amendment will extend the Town's contract with Associated Appraisal Consultants, Inc., so that it terminates in 2016.
  6. If the Board agrees with the amendment proposal, a motion would be in order to approve the Town's Amended Assessment Contract with Associated Appraisal Consultants, Inc.
  7. Commented on item: No resident comments.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Approve the amendment to the Town's Assessment Contract with Associated Appraisal Consultants, Inc., as presented.

CARRIED by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of a staff-recommended Addendum to the Town's Solid Waste and Recycling Contract with Veolia ES Solid Waste Midwest, LLC, for CY 2012, 2013, and 2014. Staff is recommending a change to increase the base number of units collected.

1. As part of the preparation of the Town's Tax Bills, staff has come to the conclusion that the base number of residential units in the Town's Solid Waste and Recycling Contract with Veolia ES Solid Waste Midwest, LLC for CY 2012, 2013, and 2014 is wrong.
2. Based on the assessment figures there are 1,462 residential units in the Town; additionally, there are 50 manufactured housing units in the Town for a total count of 1,512 units.
3. Staff has included a growth buffer of 13 units to adjust for development over the course of the year.
4. The growth buffer was included to facilitate the annual adjustment feature of the Contract.
5. The Administration's recommendation to adjust the base number of units in the Contract will have no impact on the Town's CY 2012 Budget.
6. In an attempt to correct an error in the Request For Proposals (RFP) process the Administration respectfully requests that the Board adjust the base number of units in the Town's new Contract with Veolia from 1475 to 1,525 units.
7. This number includes all residential units in the Town, 50 Manufactured Housing Units and a 13 unit growth buffer.
8. If the Board is agreeable to the proposed change, a Motion to approve the adjustment to the base number of units in the Town's Contract for Solid Waste and Recycling with Veolia ES Solid Waste Midwest, LLC (Veolia) for CY 2012, 2013, and 2014 would be in order.
9. Commented on item: No resident comments.

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Approved the addendum to the Town's Solid Waste and Recycling Contract with Veolia ES Solid Waste Midwest, LLC, for CY 2012, 2013, and 2014, increasing the number of units collected to 1525.

CARRIED by unanimous voice vote.

D. Discussion/Action: Town Board review and consideration of a Policy Establishing a Fee to Recover Costs Related to Fire Call Responses to Vehicles on State, Federal, County, and Town Roads.

1. Each Town Board member received a Draft copy of a Policy Establishing a Fee to Recover Costs Related to Fire Call Responses to Vehicles on State, Federal, County, and Town Roads.
2. Each Town Board member also received copies of the State Statutes authorizing the creation of the proposed fee.
3. While the Town of Winchester has adopted an ordinance, the Administration is recommending that the Town of Clayton use a Policy in order to expedite the process.
4. When the Town creates its Code of Ordinances the Policy will be converted to an Ordinance and the Fee added to the Town's Fee Schedule.
5. The attached Policy document is modeled after the Town of Winchester's Ordinance in order to simplify the use of the document for the Clayton/Winchester Joint Fire Department.
6. If the Board wishes to have the proper documentation to bill for services a motion would be in order approve the proposed Draft Policy.
7. Present: Dave Dekeyser, (4721 Grandview Rd., Larsen – Clayton-Winchester Fire Department member)
8. Commented on item: No resident comments.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Approve the Policy Establishing a Fee to Recover Costs Related to Fire Call Responses to Vehicles on State, Federal, County, and Town Roads.

CARRIED by unanimous voice vote.

E. Discussion/Recommendation: Town Board review and consideration of an amended Town of Clayton Fee schedule for CY 2012.

1. Each Town Board member received a copy of the Town's CY 2012 Fee schedule.
2. The only change the Administration has made to date is the adjustment to the burial costs from Tony's Cemetery Service, LLC.
3. The Administration does not intend to recommend any other changes to the Town's Fee schedule; however, should there be additional changes, the Board can simply revisit the issue at a later date.
4. If the Board has any additional changes it wishes to make, they could be included in the approval motion.
5. A motion would be in order to approved the revised CY 2012 Town Fee schedule.
6. Commented on item: No resident comments.

**MOTION:**

Motion by: Unanimous consent

Approve the amended Town of Clayton Fee schedule for CY 2012.

CARRIED

F. Discussion/Recommendation: Town Board review and consideration of payment terms for the Town's Labor Counsel's services, a request has been made for a not-to-exceed lump sum payment for the year.

1. Each Town Board member received a copy of the invoice for CY 2012 for the Town's Labor Counsel (Gill & Gill).
2. As we did this year (CY 2011), the Board has been asked to pre-pay the invoice for the year.
3. In return for the payment, the Firm has agreed to cap the Town's expenses at the pre-paid amount for the year.
4. If the Board is agreeable to the pre-payment process, a motion would be in order to approve the payment from the Town's CY 2012 Labor Counsel Budget Line Item.
5. Commented on item: No resident comments.

**MOTION:**

Motion by: Unanimous consent

Seconded by: Supervisor

Approve the payment terms for the Town's Labor Counsel's services for for 2012.

CARRIED by unanimous voice vote.

XI. Upcoming Meeting Attendance

- A. Wisconsin Towns Association, Winnebago County Unit Meeting – 6:30pm, January 5, 2012

XII. Board Member Requests for Future Agenda Items

- A. No items.

XIII. Approval of Disbursements

- A. Board review of disbursements as presented.  
No motion on this item.

XIV. Adjournment – 7:57 P.M.

**MOTION:**

Motion by: Unanimous consent

Adjourn.

CARRIED.

Respectfully submitted,

Susan Nester-Huebner, *Town Clerk*