

TOWN OF CLAYTON  
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:32 P.M. on Monday, May 13<sup>th</sup>, 2013

Town Office 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	EXCUSED
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Regular Town Board Meeting – May 1<sup>st</sup>, 2013.

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Town Board Meeting Minutes for Wednesday, May 1<sup>st</sup>, 2013.

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

A. Issues with neighbor Bill Kordus at 7376 Carden Drive brought up by Carden Drive residents

- Carol & Dennis Garrett (7379 Carden Dr, Neenah)
  - Discussed concerns with mess and clutter in the yard
  - Voiced opinions regarding fire hazards, hoarding, bee keeping, issues with dog waste, and the concern of being able to sell their home in the future
  - Reviewed Town Ordinances and described how they apply to the situation
- Shirley Platta (7360 Carden Dr, Neenah)
  - Expressed concerns with rodents and woodchucks in the yards surrounding this home

- Reiterated the inability to sell homes in the area due to the neighbor's yard
- Tom Flemming (7366 Carden Dr, Neenah)
  - Discussed the nice homes and good upkeep on the street except for the Kordus residence
  - Reiterated the rodents or rats coming from the yard
  - Expressed concerns regarding chainsaw noise for hours at a time
  - Mentioned that Mr. Kordus is on disability, but yet they have seen him picking up logs on the side of the road and putting on his own metal roof
- Administrator Johnston discussed which Ordinances are being violated and which items don't apply. Advised he will be speaking with the Town Attorney to see if the actions to correct this are actions he can defend
- Chairman Luebke stated the trailer and wood are in the road right-of-way per his visit to the neighborhood
- Carol Garrett questioned the issues that could be addressed with the Sheriff's Department
- Carolyn Flemming (7363 Carden Dr, Neenah)
  - Discussed the Noise Ordinance in relation to the chainsaw noise
  - Advised she would not have purchased her home if she had known Mr. Kordus was not going to clean up his yard
- John Pengelly (7388 Carden Dr, Neenah)
  - Questioned the Ordinance restricting raising bees in a residential area
  - Advised the garage door is jammed due to all the clutter in the garage and it could be considered a fire hazard
- Dennis Garret questioned if there was anything that could be done about all the boats stored in the yard
- Town Board directed staff to check with the Town Attorney and put it on the agenda for the next meeting (June 5<sup>th</sup>)
- Carolyn Flemming advised that hoarders do not stop, and the issue will only get worse

V. Correspondence:

- A. Letter from Rose I. Simon, Attorney at Law from the Siltan, Seifert, Carlson SC Law Offices (Town Attorney) relative to the High Point Estates case.

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

- A. County Supervisor Report
  - 1. No Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
  - 1. No Report
- C. Clayton-Winchester Fire Department
  - 1. No Report
- D. Larsen Winchester Sanitary District
  - 1. No Report
- E. Administration Comments
  - 1. Administrator/Clerk
    - a. Mr. Johnston advised the work outside the Town Hall will be complete by the ClaytonFest deadline, except for grass
    - b. He will be going back to writing an Administration Report

2. Engineer:
  - a. Engineer Miller advised AT&T is having trouble finding a contractor to locate lines and the Ridgeway Drive project is put on hold for a few weeks until the work is done. Any costs incurred due to the delay will be billed to AT&T
3. Public Works Foreman:
  - a. No Report
4. Treasurer/Deputy Clerk:
  - a. Treasurer Bowen advised she is still trying to get the Fund Accounting software running and that Jenna has entered all bills into the system through April
  - b. Mentioned the large amount of phone calls due to zoning
  - c. Alcohol Establishment Licenses are currently being worked on
  - d. Jenna has been trained on the utility billing software and is set to read meters for the next billing cycle
5. Town Board:
  - a. Chairman Luebke mentioned the donation from the J.J. Keller Foundation to fund the Trail Head Park sign. A “thank you” will be noted on the postcards being sent for ClaytonFest
6. ClaytonFest:
  - a. Arden Schroeder provided samples of placemats and advised the posters are done
  - b. Luncheon will be \$8.50 per person
  - c. Yard signs will be out next week
  - d. Final meeting to be held May 29<sup>th</sup>
  - e. Postcards will be going to all residents and invitations will be sent to dignitaries in surrounding communities

VII. Licenses and Permits:

- A. New:
  - i. Michele Gregesich
- B. Renewal:
  - i. Gail Schwerin

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

- A. Plan Commission recommendation to the Board relative to edits to the Town’s Zoning Code of Ordinances as recommended by the Town’s Attorney.

**NO MOTION**

- B. Plan Commission recommendation to the Board relative to the Town Planner’s recommendations for consistency between the Town’s newly adopted Zoning Code of Ordinances and the Town’s Site Plan Ordinance, Parking Ordinance, and Sign Ordinance.

**NO MOTION**

- C. Plan Commission recommendation to the Board relative to the interpretation of the Town’s Zoning Code of Ordinances; Article 8 (Land Uses), Exhibit 8-2, R-1 and R-2, Floor Area, Accessory Building.
  - Administrator Johnston defined the differences between the Town’s Zoning Code and the County’s Zoning Code

- Supervisor Lettau questioned when the Town’s Zoning Ordinance would conclude and how it affects the farm land
- Administrator Johnston advised this is a living document which will always be changing and the Town will qualify for the Farmland Preservation in September or October of 2013

**NO MOTION**

- D. Plan Commission recommendation to the Board on Site Plan approval for additional inventory storage and parking submitted by Jim Lombard of Tri-Lamm LCC for Quietwoods RV site, located at 9042 Campers Way, Neenah, WI 54956, Tax ID # 006-0336.

**MOTION**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve the Plan Commission recommendation for additional inventory storage and parking submitted by Jim Lombard of Tri-Lamm LCC for Quietwoods RV site, located at 9042 Campers Way, Neenah, WI 54956, Tax ID # 006-0336

Motion carried by unanimous voice vote.

- E. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) for Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956 for properties located at 3685 Fairview Road, Neenah, WI 54956; specifically described as Tax ID # 006-0405, and 006-0404-01, being all of Lot 2 of Certified Survey Map No. 616 and part of 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 Schmidt

Seconded by: Supervisor Grundman

Motion to approve the Certified Survey Map (CSM) for Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956 for properties located at 3685 Fairview Road, Neenah, WI 54956; specifically described as Tax ID # 006-0405, and 006-0404-01, being all of Lot 2 of Certified Survey Map No. 616 and part of 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 along with staff recommendations

Motion carried by unanimous voice vote.

- A. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) for the Town of Clayton, 8348 CTH “T”, Larsen, WI 54047, Christopher R. Clauson, 8338 CTR “T” Larsen, WI 54947, and Kenton L. Wiedenbeck, P.O. Box 24, Larsen, WI 54947, for properties located at 8348 CTR “T”, Larsen WI 54947, 8328 CTR “T”, Larsen, WI 54947, 8326 CTR “T”, Larsen, WI 54947, 8338 CTR “T”, Larsen WI 54947, and 8322 CTR “T”, Larsen, WI 54947; specifically described as Tax ID# 006-0535-15, Tax ID# 006-0535-08, Tax ID# 006-0535-07, Tax ID# 006-0535-03, and Tax ID# 006-0535-06, being part of Lot 1 of Certified Survey Map 5886, and Part of the southwest ¼ of the northwest ¼, all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Attached please find a copy of the Draft Minutes of the Wednesday, May 8<sup>th</sup>, 2013 Plan Commission Meeting. The Board will find the Commission's actions listed in the Draft copy of the Meeting Minutes.

- All changes of the property were approved
- Lot will be declared Lot 4 and is a Lot of Record meaning it is buildable.
- Rezoning will be complete at June Plan Commission Meeting

**MOTION**

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion to approve the properties of Clausen, Wiedenbeck and Town of Clayton as presented, with staff recommendations and as read by the Chair.

Motion carried by unanimous voice vote.

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

A. No Referrals

X. Business:

A. Discussion/Action: Town Board Reorganizational Business:

o Board Appointments

- i. Plan Commission Member (1 position: for a 3-year term effective May 1<sup>st</sup> 2013).

Name to be presented by the Town Chair:

The Town Chair has indicated that he would like to appoint, subject to Board approval, Scott Eckstein, 3850 West Larsen Road, Larsen WI 54947 to a 3-year term on the Town's Plan Commission starting on May 1<sup>st</sup>, 2013.

**MOTION**

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion to approve Scott Eckstein for the Plan Commission Member Position 1 starting on May 1<sup>st</sup>, 2013

Motion carried by unanimous voice vote.

- ii. Zoning Board of Review (1 position serving 3-year staggered terms that are to be determined by the Board with each term to start on May 1<sup>st</sup>, 2013.

Name to be presented by the Town Chair

The Town Chair has indicated that he would like to appoint, subject to Board approval, former Plan Commission member Ben Hamblin, 2986 W Shady Lane, Neenah WI 54956 to a 2-year term on the Town's Zoning Board of Review starting on May 1<sup>st</sup>, 2013.

The Administration is recommending the 2-year term for the Zoning Board of Review so that the re-appointments would not all occur at the same time. Since both Arden Schroeder and Susan Huebner were appointed to 3-year terms the next two appointments should be for 2-year terms and the final appointment should be for a 1-year term. Additionally, the Town Board will need to set the terms for the 2-alternates on the Zoning Board of Review. In the past the Administration has used the 2-alternates on the Zoning Board of Review as a training program and the source for new members of the same Board.

- Still in search of three other people to sit on this Board

**MOTION**

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion to approve Ben Hamblin for a 2-year term on the Town’s Zoning Board of Review starting May 1<sup>st</sup>, 2013

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board consideration and approval of Fireworks Sales Permits for:
- a. Fireworksfree.com (Chuck Krause); Location: 8616 STH 76, Neenah, WI 54956.
  - b. T&G Fireworks (Ted Bemis); Location 8386 STH 76, Neenah, WI 54956.

Attached please find the applications for the above referenced Fireworks sales permits. The applicants are the same two individuals who have had sales sites in the Town in prior years. Both Applications are complete and staff will require that any fees be paid prior to issuing any Permits. Both applicants will be keeping their respective sales sites in the same locations they used in CY 2012. Staff recommends approval of the Fireworks Sales Permits subject to the following conditions:

- 1) That the Applicants pay any and all Permit Fees.
- 2) That the Applicants request the required Fire Department Inspection of the sales facilities and location.
- 3) That the Applicants abide by the Town’s Sign Ordinance for any and all signage for their respective sites.
  - Mr. Krause offered to donate a statue for the Fire Department or planters on a base to be placed in the front of the Municipal Building/Fire Department
  - Chairman Luebke advised “air dancers” are not allowed by a County Ordinance

**MOTION**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approved a Fireworks Sales Permit for Fireworksfree.com located at 8616 STH 76, Neenah, WI 54956

Motion carried by unanimous consent.

**MOTION**

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion to approved a Fireworks Sales Permit for T&G Fireworks located at 8386 STH 76, Neenah, WI 54956

Motion carried by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of converting the Town’s Administrative Assistant to a regular at-will Town Employee at a

wage of \$11.50 per hour, following the end of the 6-month probationary period

The Administration has placed this item on the Board's Monday, May 13<sup>th</sup>, 2013 agenda because on Saturday, May 18<sup>th</sup>, 2013 Jenna Prange (Jenna) will have completed her 6-month probationary period. Jenna's performance has been well above average and in the past few months she has added significantly to both the quality and quantity of the work that staff has been able to accomplish. Jenna has demonstrated an innate ability to understand what needs to be done and is able to accomplish those tasks as directed with little supervision. As Jenna spends more time on the job and becomes more familiar with what work needs to be done, the Administration expects to be able to accomplish more work as "routine" without losing any quality. Based on the Town's Employment Manual, the Administration would like to hire Ms. Prange as a full time regular employee at a wage of \$11.50 per hour. The job would continue to offer all of the Town's benefits including Health Insurance through the Teamsters Union and the State Retirement program. Jenna will have Health Insurance coverage on or about June 8<sup>th</sup>, 2013. Prior to the end of the year, the Administration will provide the Board with a formal Performance Evaluation as part of the Town's Annual Budgeting process. The Administration is recommending that the 50 cent per hour wage increase come from the funds generated by the Town's Sanitary District Utility Billing Contract. If the Board agrees with the Administration's recommendation, a motion would be in order to approve hiring Jenna as a full time regular Town employee with a wage of \$11.50 per hour.

- Chairman Luebke commented on Jenna's idea to put velcro names on the mailboxes so they can be easily removed when someone leaves
- Administrator Johnston and Treasurer Bowen agreed that they are happy with Jenna's work. Chairman Luebke also agreed

#### **MOTION**

Motion made by unanimous consent to approve hiring Jenna as a full time regular Town employee with a wage of \$11.50 per hour.

- D. Discussion/Recommendation: Town Board review and direction to staff relative to a request by the R. J. Lammeman Trust for access to Emerald Crown Parkway from a 1 acre +/- lot that fronts on Emerald Crown Parkway and Center Road.

Attached please find a copy of a letter from the R. J. Lammeman Trust (Trust) asking for access to Emerald Crown Parkway from a 1-acre +/- lot that fronts on Emerald Crown Parkway and Center Road. Based on conversations with former Town Board members, it is the Administration's understanding that the Lot owned by the Trust was always intended to be accessed from Emerald Crown Parkway; attached, please find a copy of the documentation of that requirement on the face of the Plat. Because the easement was granted on the face of the Plat, the Administration is going to notify both the Owner's Association for the Plat and the Trust that the easement exists and that the Lot can take access from Emerald Crown Parkway. As a point of reference, the Administration is also going to ask that the Trust require that any development on the Lot comply with the Restrictive Covenants of the Plat. This request is based on the fact that any development on the lot will appear to be part of the Plat.

- Discussed the plat and the covenants of the subdivision

#### **NO MOTION**

E. Discussion/Recommendation: Town Board review and direction to staff relative to Yard Waste Site staffing and operations.

Attached, please find a copy of a Yard Waste Site Information document provided to residents by the Town of Menasha. The Administration would like to review the document with the Board to see if there are any similarities in our operations and/or functions that the Town of Menasha is using which may work in the Town of Clayton. Additionally, the Administration would like to ask the Board for direction relative to staffing the Yard Waste Site. This question is being prompted by the fact that in the past few weeks staff has been spending a fair amount of time at the Yard Waste Site chipping and moving fill and during that time a significant number of people that we know do not live in the Town have been seen at the site. This activity will obviously impact the amount of work staff has to do to keep the site clean and operational. Since funding to staff the site was approved in the Town’s CY 2013 Budget, the only step that would be required is approval of the position by the Board.

- Discussed the significant amount of non-residents who are using the yard waste site
- Discussed splitting the Town into quadrants and picking up curbside waste to do chipping on different dates
- Discussed using a televised camera when the yard waste site is located behind the Town Hall
- Supervisor Lettau expressed concerns with curbside pickup relative to staffing
- \$10 per hour for the position
- Discussed the type of people who would be interested in working the hours the site is open
- Discussed having a book of residents
- Arden Schroeder mentioned asking Steve Seelow and his son to fill the position

**NO MOTION**

Staff was directed to proceed in finding someone for the position and bringing it back before the Board at the next meeting.

XI. Upcoming Meeting Attendance

- A. None

XII. Board Member Requests for Future Agenda Items

- A. Chairman Luebke requested to add the Drifter’s building

XIII. Review of Disbursements

- A. Disbursements

XIV. Adjournment – 8:32 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,  
 Jenna Prange, Administrative Assistant