

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:40 P.M. on Wednesday, September 5th, 2012

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 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 | ABSENT (Excused) |
| Supervisor Lettau | PRESENT |
| Supervisor Grundman Erdmann | PRESENT |
| Supervisor Schmidt | PRESENT |

b. Staff

| | |
|------------------------|------------------|
| Administrator Johnston | PRESENT |
| Town Treasurer Bowen | ABSENT (Excused) |
| Town Engineer Miller | PRESENT |

II. Public Hearing:

A. No Public Hearings

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, August 15st, 2012.

MOTION:

Motion carried by unanimous consent to approve the minutes of the Regular Town Board Meeting of August 15st, 2012 with no corrections.

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

- No Open Forum

V. Correspondence:

- A. Winnebago County Health Department Newsletter.
- B. Notice to the Electors of the Winneconne Community School District, Winnebago and Waushara Counties, Wisconsin.
- C. Winnebago County Solid Waste Management Board Monthly Report.
 - Supervisor Lettau reported that the Town is in third place with the recyclables behind the Town of Neenah and the Town of Vinland.
- D. Memorandum from the Town Treasurer relative to the August Settlement of 2011 Taxes Payable in 2012.

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. Continuing to work on the Fire Station/Town Hall reconstruction project
 - b. Trying to finish up the projects that have been started this summer
 - 2. Public Works Foreman:
 - a. No Report
 - 3. Treasurer/Deputy Clerk:
 - a. No Report
 - 4. Engineer:
 - a. Town Engineer Miller provided the Board with an Engineering status report.
 - b. Preliminary plans and construction estimates were delivered to the Town Administrator for the Ridgeway Drive and Braun Court projects.
 - c. The plans for Sunburst Estates and Oak Openings projects are complete based on the information meetings.
 - d. The Board received a memo regarding the Stormwater Management project to be discussed later.
 - e. Discussed the residents' comments at the informational meetings for Sunburst Estates and Oak Openings projects.
 - f. Discussed the changes that were made to the original plans for the projects based on the comments by the residents.

VII. Licenses and Permits:

A. Operator Licenses Issued by the Town Clerk:

New:

- 1. Ronni J. Blohm
- 2. Camille R. Faust
- 3. Alexandra J. Griffith
- 4. Brenda L. Maggio

Renewal:

- 1. No Renewed Licenses

B. Discussion/Action: Town Board review and consideration of the following Cigarette License Application:

The following party has applied for a Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of September 6th, 2012, through June 30, 2013, the granting of which is now pending and is subject to compliance with State Statutes and Municipal Ordinances.

Remington Oil Co Inc., dba Ridgeway 66, 8510 State Road 76, Neenah WI 54956.

This application was prompted by the previous operator terminating a lease with the development owner Remington Oil Co. Inc. With the new application the development owner will also be operating the facility.

MOTION:

Motion made by unanimous consent to approve the Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of September 6th, 2012, through June 30, 2013, for Remington Oil Co Inc., dba Ridgeway 66, 8510 State Road 76, Neenah WI 54956.

C. Discussion/Action: Town Board review and consideration of the following Alcohol License Application:

The following new application for a Class “A” license to sell fermented malt beverages, “Class A” license to sell intoxicating liquors, is on file in the Town of Clayton, Clerk’s Office for the licensing period September 6th, 2012 through June 30, 2013, the granting of which is now pending and is subject to compliance with State Statutes and Municipal Ordinances.

Remington Oil Co Inc., dba Ridgeway 66, 8510 State Road 76, Neenah WI 54956.
Agent: Sarah J. Borneman

This application was also prompted by the previous operator terminating a lease with the owner of Remington Oil Co. Inc. With the new application, the owner will also be operating the facility.

- Discussed the background checks of the owners of Remington Oil Company, Inc.

MOTION:

Motion made by unanimous consent to approve the Class “A” license to sell fermented malt beverages, “Class A” license to sell intoxicating liquors, is on file in the Town of Clayton, Clerk’s Office for the licensing period September 6th, 2012 through June 30, 2013, for Remington Oil Co Inc., dba Ridgeway 66, 8510 State Road 76, Neenah WI 54956.

D. Discussion/Action: Town Board review and consideration of the following Alcohol License Application:

The following new application for a Class “B” license to sell fermented malt beverages, and “Class B” license to sell intoxicating liquors, and wine is on file in the Town of Clayton, Clerk’s Office for the licensing period September 6th, 2012 through June 30, 2013, the granting of which is now pending and is subject to compliance with State Statutes and Municipal Ordinances.

PCF Holdings Inc., dba Willie Beamons LLC, 2590 County Road II, Neenah WI 54956.
Agent: Frances M. Pfeffer

As a result of a change in Agent request by Willie Beamons LLC., it has come to staff’s attention that the establishment’s Licenses were not issued in full compliance with the letter of the law. Staff has worked with the owners of the establishment to correct this issue. The current application has PCF Holdings Inc. (the License Holder), a fully chartered Corporation under Wisconsin Law being the sole owner of Willie Beamons LLC as the operator of the establishment with Frances M. Pfeffer as the Officer of PCF Holdings and Agent for the establishment. This process will allow the Town to issue the Licenses in full compliance with State Liquor Laws.

- Discussed the procedure staff took to correctly issue the Liquor License to Willie Beamon's and PCF Holdings, LLC
- Discussed the comment made to staff by the Town's Association Attorney when asked about the procedure for correctly following the State Statutes regarding the issuance of the license to Willie Beamon's.

MOTION:

Motion made by unanimous consent to approve the Class "B" license to sell fermented malt beverages, and "Class B" license to sell intoxicating liquors, and wine is on file in the Town of Clayton, Clerk's Office for the licensing period September 6th, 2012 through June 30, 2013, for PCF Holdings Inc., dba Willie Beamons LLC, 2590 County Road II, Neenah WI 54956.

- E. Discussion/Action: Town Board review and consideration of a change of name for the following licensed establishment in the Town of Clayton:
The following party holding a Class "B" license to sell fermented malt beverages, and a "Class B" license to sell intoxicating liquors and wine for the period of July 1, 2012, through June 30, 2013, subject to compliance with State Statutes and Municipal Ordinances has applied for a business name change from inactive to THE SPOT LOUNGE LLC.

Boe, LLC dba THE SPOT LOUNGE LLC, 8386 State Road 76, Suite B & Suite C,
Neenah, WI 54956.
Agent: Jeffrey A. Boe.

Boe LLC has reopened the establishment with a new name (THE SPOT LOUNGE LLC). The application does not change any other feature of the establishment's licenses.

- Jeff Boe called the office and requested that the Board table this until the September 19th, 2012 Board Meeting.

ITEM TABLED UNTIL 09/19/12

- VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:
A. No Referrals.

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

- A. Green Space Committee review and recommendation on the proposed Clayton Park Entrance Sign.

- Discussed the drawing of the sign design recommendations that was included in the agenda material
- Discussed the placement of the sign at Clayton Park
- Discussed the approval of the sign by Mr. Keller
- Discussed the Town's Logo relative to the sign

Susan Huebner, 3416 W. Larsen Road, Neenah, WI 54956

- Ms. Huebner suggested an option for the park sign without the Logo
- The Board discussed other options for the park sign to eliminate the Logo and to keep the shape of the proposed sign

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion made to approve the recommendation of the Green Space Committee for the proposed Clayton Park Entrance Sign with the condition that the logo on the sign be changed to the official Town of Clayton Logo and Mr. Keller's approval of the sign.

Motion carried by unanimous voice vote.

B. Green Space Committee update on the pending donation for an installed bench on the Friendship Trail.

- Administrator Johnston updated the Board on the donation and installation of the bench

NO MOTION**X. Business:**

A. Discussion/Action: Town Board review and consideration of a Change Order for Engineering Services related to expanding the long term storage capacity in the remodeled Town/Fire Hall.

Attached please find a copy of an Engineering Services Change Order submitted by the Town's Engineer for the Town/Fire Hall Renovation project. Staff has been working with the Town Chair and Cardinal Construction to find space for much needed long-term file storage in the new facility. Based on a discussion at the bi-weekly Monday morning construction meeting, the Town Engineer was asked to prepare a request for a construction Change Order that will allow for a storage room to be constructed over the new portions of the building; specifically, over the new rest rooms and shower facilities (see attached documentation). The Engineering Change Order allows the Architect and the Structural Engineer to determine if the project is feasible and what modifications to the plans are needed to make the project possible. If approved, the cost of the requested change order will be added to the Architectural and Engineering Fees for the project. Funding for the Change Order should come from the Town's CY 2012 Capital Construction, Undesignated Budget Line Item. A motion would be in order to approve the requested Change Order with funding to come from the Town's CY 2012 Capital Construction, Undesignated Budget Line Item.

- Discussed the need for the long-term storage of the Town's records and the loss of the storage room in the existing plan
- Discussed the proposed modification to the existing plan to allow for a storage room above the new portion of the building
- Discussed the proposed access to the storage room
- Discussed the cost estimate of the modification
- Discussed the possibility of utilizing the Fire Impact Fees collected by the Town

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman-Erdmann

Motion made to approve the Change Order for Engineering Services related to expanding the long term storage capacity in the remodeled Town/Fire Station with an amount not to exceed \$20,000.

Discussion:

- Chairman Luebke asked if this would include all of the request changes included in memo from the architect in the amount of \$ 2,067.50

- Mr. Johnston stated that his interpretation of the memo included both Agenda Items A & B.

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of a Change Order to the Town/Fire Hall project to create a long term storage facility in the attic of the renovated building.

Attached please find copies of the design changes for the proposed Change Order that will allow for the construction of long-term file storage facilities in the attic of the newly renovated Town/Fire Hall facility. The Town Engineer has indicated that he will have a cost for the proposed Change Order by the Board's Wednesday, September 5th, 2012 Board meeting. The proposed changes will provide the Town with an approximate 250 sq. ft. (14' X 18') storage room that will likely be used for long-term file storage by both the Town and the Joint Fire Department. The costs of the proposed Change Order to the Town/Fire Hall project would be added to the costs of the Town/Fire Hall renovation project. Should the Board wish to proceed with the proposed Change Order, a motion would be in order to approve the Change Order as presented with funding to come from the Town's CY 2012 borrowing for the Town/Fire Hall renovation project.

MOTION:

This Agenda Item was approved with the motion for Agenda Item A.

- C. Discussion/Action: Town Board review and consideration of a request by the Town of Winchester to allow its residents to use the Town's Yard Waste Site. Attached please find a copy of an e-mail from Ben Joas (Ben) of the Town of Winchester. Ben is asking if the Board would consider allowing Town of Winchester residents to use the Yard Waste Site. The Administration believes that cooperative ventures between communities are the best way for Municipalities to share costs, revenues and provide better services to their respective residents. Based on the Town's Draft CY 2013 Budget, the maintenance and operational costs for the yard waste will be approximately \$30,000.00. If this operating cost is discounted by expenses exclusive to the Town of Clayton, the yearly operating cost becomes \$20,540.25. The Administration is recommending the same proportional costs split (75% to the Town of Clayton and 25% to the Town of Winchester) that is used for the Clayton/Winchester Fire Department. Using the Administration's proposed cost split the Town of Winchester would pay \$5,000.00 (rounded down from \$5,135.06) per year for the use of the Town's Yard Waste Site. If the Board agrees with allowing the Town of Winchester residents to use the Yard Waste Site and the Administration's recommended cost sharing proposal, a motion would be in order to approve the request made by Ben Joas at an annual cost of \$5,000.00 to be paid on or before January 31st, 2013. Additionally, please be advised that the revenue from this activity will need to stay in the Solid Waste and Recycling Utility Fund unless the Board takes a specific action to transfer the Utilities Reserve Funds to the Town's General Fund.
- Discussed the proposed calculated cost to the Town of Winchester based on the same proportional cost split that is used for the Clayton/Winchester Fire Department
 - Discussed the potential revenue relative to the cost of providing the service relative to the added waste from a storm
 - Discussed the possibility of staffing the Yard Waste Site in the event the Town of Winchester chooses not to pay an annual fee

Susan Huebner, 3416 W. Larsen Road, Neenah, WI 54956

- Expressed an opinion regarding the proposed fee and the use of the facility
- Supervisor Lettau asked about the cons of opening the facility to the Town of Winchester resident relative to the increase in material being placed at the site
- Discussed the possibility of a one-year agreement and evaluating the potential cost increases of the facility

MOTION:

Motion by: Supervisor Grundman-Erdmann

Seconded by: Supervisor Lettau

Motion made to approach Ben Joas requesting that the Town of Winchester pay a fee of \$5,000.00 for a one-year term to be paid on or before January 31st, 2013 with a reevaluation every year.

Motion carried by unanimous voice vote.

D. Discussion/Action: Town Board review and direction to staff relative to the implementation of the proposed Storm Water Utility.

Attached please find a memorandum from the Town's Engineer relative to the draft Equivalent Residential Unit (ERU) calculations for the Town's Storm Water Utility project. Over the course of the past few weeks the Administration has identified several issues with the Town's proposed Storm Water Management Utility. These issues include the following:

- 1) Board direction relative to how the average Equivalent Residential Unit (ERU) is calculated for agricultural homestead properties. Specifically, if staff includes the measured hard surface of agricultural homestead properties in the calculation of the residential ERU it will significantly skew the size an ERU.
- 2) Given the significant size of agricultural homestead properties, does the Board still wish to consider them in the same category as a residential unit or would the Board consider charging multiple ERUs to an agricultural homestead property.
- 3) The Administration respectfully requests that the Board provide direction relative to the Larsen/Winchester Drainage District. Staff has identified a number of ways the Town Board could legally assume the responsibilities for the Drainage District's functions. It is the Administration's belief that the most efficient way can be found in Wisconsin Statutes 88.83 (1r) (see attached). It is the Administration's opinion that any act of dissolution or transfer of responsibility is best started by the residents of the Town or the Drainage District. The Administration would like to confirm this belief with the Town's Attorney and, at the Board's direction, have him provide direction to staff and to the Board on how to proceed with the proposed activity.

Once these issues have been resolved and the ERU study completed the Administration will, at the Board's direction, schedule the Public Hearing and the readings of the Ordinance so that the Board can consider approval of a Resolution creating a Town Storm Water Management Utility Ordinance.

- Discussed the procedure for calculating the ERU
- Discussed the possible charges of ERU's relative to farmsteads and tax-exempt properties
- Discussed the possible charges of ERU's relative to commercial property
- Discussed the possible charges of ERU's relative to State owned property

- Discussed the procedure for charging the residents of the Town of Clayton in the Drainage District relative to the Stormwater Management Utility costs

NO MOTION

- E. Discussion/Action: Town Board review and direction to staff relative to the CY 2013 Oak Openings storm water management project.

Attached please find a storm water management design plan for the above referenced project and a memorandum estimating the project costs provided by the Town's Engineer. The finalized plan was arrived at following the Public Forum with area residents. Please be advised that the project cost estimates are based on a project bid by the Town completed by a third party contractor. However, the Administration expects to complete the work with Force Account Labor. If the project were authorized by the Board the only direct costs to the Town would be for materials and for equipment leased by the Town to complete the project. The project consists of storm sewer in the north and west sides of Murray Road south of Balfour Street and in the west side of Darrow Road south of Balfour Street. Additionally, ditches with drain tile would be installed in the east side of Murray Road and in the west side of Darrow Road south of Balfour Street. The Administration will be preparing a 5-year Storm Water Management Utility Capital Plan for the Board to review at the September 19th, 2012 Board Meeting. Please be advised that this project will be included in the Utility's Capital Plan for CY 2013. Additionally, all of the Utility's Capital Projects will be priced as if they were to be bid and completed by a third party contractor despite the fact that the Administration expects to complete the work with Force Account Labor. Again, if the project were authorized by the Board the only direct costs to the Town would be for materials and for equipment leased by the Town to complete the project.

- Discussed the meeting with the residents of Oak Openings
- Discussed the project relative to the placement of storm sewer and the use of ditches and drain tile.
- Discussed the cost of the project

John Jolin, 7325 Darrow Road, Neenah, WI 54956

- Would like to encourage the Board give this project serious consideration
- Expressed his thoughts about the project

NO MOTION

- XI. Upcoming Meeting Attendance
- Annual Meeting in October
 - Joint Fire Board Meeting, October 8th, 2012 at 7:00 p.m.
 - September 11th Budget Meeting is cancelled
 - October 9th Budget Meeting at 7:00 p.m.
- XII. Board Member Requests for Future Agenda Items
-
- XIII. Review of Disbursements
- Disbursements
 - Discussed the tire repairs
 - Discussed the cab service provided to the elderly of the Town of Clayton
- XIV. Adjournment – 8:40 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,

Tori Bowen, Treasurer/Deputy Clerk