

TOWN OF CLAYTON  
Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:05 P.M. on Wednesday, October 2<sup>nd</sup>, 2013

Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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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	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Town Planner – Jon Bartz	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Approval of the Minutes of the Second CY 2014 Budget Review Workshop held from 2:00 P.M. to 3:43 P.M. on Tuesday, September 17<sup>th</sup>, 2013.

B. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, September 18<sup>th</sup>, 2013.

C. Approval of the Minutes of the Third CY 2014 Budget Review Workshop held from 6:00 P.M. to 6:43 P.M. on Tuesday, September 24<sup>th</sup>, 2013

**MOTION:**

Motion made by unanimous consent to approve the minutes of the Second CY 2014 Budget Review Workshop held from 2:00 P.M. to 3:43 P.M. on Tuesday, September 17<sup>th</sup>, 2013.

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, September 18<sup>th</sup>, 2013

Motion made by unanimous consent to approve the Minutes of the Third CY 2014 Budget Review Workshop held from 6:00 P.M. to 6:43 P.M. on Tuesday, September 24<sup>th</sup>, 2013

- IV. Open Forum – Non-Agendized Town-related Matters:
  - A. No Referrals
  
- V. Correspondence:
  - A. Distribution of the Winnebago County Solid Waste Management Board Monthly Report.
  - B. Distribution of a letter to certain residents in the Town’s CY 2013 Capital Reconstruction Project Area.
  - C. Winnebago County WTA Unit meeting notice and agenda.
  
- 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. Supervisor Lettau reported regarding issues with the partial parcels in the district
  - E. Administration Comments
    - 1. Engineer
      - a. Engineer Miller provided a status report
      - b. MCC is resuming work on Ridgeway Drive. Paving will start when the weather allows, followed by the landscape seeding
      - c. FVA Development is having preconstruction meeting
      - d. Oak Openings had a meeting on 9/23. Preconstruction meeting tomorrow and project completion date is November 1, 2013
    - 2. Administrator/Clerk
      - a. Administrator Johnston advised on the Woodenshoe project
    - 3. Public Works Foreman:
      - a. No Report
    - 4. Treasurer/Deputy Clerk:
      - a. No Report
    - 5. Town Board:
      - a. No Report
  
- VII. Licenses and Permits:
  - A. New:
    - i. Town Board review and consideration of the approval to issue an Operator’s License to Samuel D. Ross.  
Attached please find a copy of an e-mail from Attorney Rose Simon (Rose) at the Town Attorney’s Office. Staff asked Rose for her opinion relative to the Application for an Operator’s License submitted by Samuel D. Ross. Based on the required background check staff noticed a felony conviction on Samuel D. Ross’ record. In order to keep the Board apprised of this issue the Administration has elected to ask the Board to approve issuing this Operator’s License. The Administration’s sensitivity is based on the felony conviction and the belief that

when in doubt the Board should issue the Operator’s License since the Board is going to be held accountable.

- Discussed reason for bringing it to the Board and the process going forward
- Samuel Ross (applicant) was present

**MOTION**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve the Operator’s License for Samuel D. Ross

Motion carried by unanimous voice vote.

ii. Erin Wyngaard

B. Renewal:

i. No Renewal Licenses Issued

VIII. Business referred by the Plan Commission:

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 of planned CY 2014 park development and maintenance activities.

The Administration reviewed plans for the CY 2014 development and maintenance activities for the Town’s Parks and Trails. Randy Bonikowske (Randy) was hired as summer staff to mow the Town’s Parks and Trails and has indicated that he would like to return for the season in CY 2014. The Administration has taken advantage of the summer staff position and Randy’s intent to return to license him to apply pesticides and fertilizers on Town property including Town rights-of-way. During the summer of CY 2014 the Administration would like to make the following improvements to the Town’s Park and Trail assets:

1. To isolate individual trees and clusters of vegetation with woodchip rings and boundaries.
2. To enclose drainage ways which impede mowing activities.
3. To remove fencing obstacles which impede mowing activities.
4. To remove the abandoned roads in the Clayton Cemetery.
5. To clean and grade the unused areas of Clayton Cemetery.

All of these activities are intended to minimize the time needed to mow the Town’s Park, Trail and Cemetery Assets. Additionally, the Administration would like to use herbicides and fertilizers to control weeds in the Town’s Park, Trail and Cemetery Assets. The Administration would also like to use herbicides to control the vegetative growth on the shoulders of the Town’s roads. This activity is intended to facilitate maintaining the roadway shoulders and improve the life expectancy of the paved surfaces. In general, if the Town would like to maintain its Park, Trail, Cemetery, and roadway assets with current staffing levels we need to start working with better tools and using the tools we have in a

smarter fashion. The Green Space Committee has directed staff to ask the Board to review these planned activities or to assign the review and recommendation authority to the Committee during the winter months.

- Discussed herbicides and spraying methods

**NO MOTION**

X. Business:

A. Discussion/Action: Town Board review and consideration of Resolution# 2013-004 a Resolution Approving and Recommending that the County Board Approve the following rezoning applications in the Town of Clayton:

- a. Property owned by Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956, (Tax ID # 006-0405-01) to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT) to A-2 (GENERAL FARMING DISTRICT).
- b. Property owned by Christopher R. Clauson, 8338 CTR “T” Larsen, WI 54947 (TAX ID# 006-0535-03) to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT) to P-I (PUBLIC INSTITUTIONAL DISTRICT).
- c. Property owned by Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A Kossel 7550 Center Road, Neenah, WI 54956 (Tax ID # 006-0823 and Tax ID # 006-0823-03) to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT) to A-1 (AGRIBUSINESS DISTRICT) and from A-1 (AGRIBUSINESS DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).
- d. Property owned by Scott J. Sedo, 9502 Center Road, Neenah, WI 54956 (Tax ID# 006-1242), to be rezoned from R-2 (SUBURBAN RESIDENTIAL DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).
- e. Property owned by Daniel G. Olson, 4891 North Loop Road, Larsen, WI 54947 (Tax ID # 006-0186), to be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

Attached please find a draft copy of Resolution # 2013-004 a Resolution approving and recommending that the County Board approve the following rezoning applications in the Town of Clayton. Town Planner, Jon Bartz (Jon) advised the Administration that rezoning actions by the Town Board should be taken by Ordinance. The listed rezonings have occurred since the Town adopted its Zoning Code of Ordinances and the Administration is taking this opportunity to properly clear the backlog. The Administration is confident that Resolution # 2013-004 meets the County’s requirements and plans on submitting the Town Board approved Resolution to the County for its approval; staff expects that this process should be completed at the November County Board meeting. Should the Board agree with Jon’s recommendation on process, a motion would be in order to approve Resolution # 2013-004 and to direct staff to submit the document to the County for its approval.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion to approve Resolution # 2013-004 and direct Staff to submit the document to the County for approval

Motion carried by unanimous voice vote.

- B. Discussion/Action: The following party has applied for a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for the licensing period of October 3<sup>rd</sup>, 2013 through June 30, 2014, the License Application is on file in the Town of Clayton, Clerk’s Office and the granting of License is now pending and subject to compliance with State Statutes and Municipal Ordinances:
- a. Property Operations, L.L.C. (dba Westridge Golf Club),  
8130 Golf Course Drive, Neenah, WI 54956.  
Agent: Jason J. Kunstman

Attached please find the completed Liquor License Application for Property Operations, L.L.C. (dba Westridge Golf Club) with Jason J. Kunstman as Agent. It appears that the Club’s owners are changing how they operate the business, part of these changes include taking direct control of the Liquor License. Also attached is the surrender document from the current Liquor License holder. Staff has reviewed the application and completed the requisite background checks on the applicants. Based on a review of the documentation staff is recommending approval of the Liquor License Application with Jason J. Kunstman as the Agent. If the Board is comfortable with the attached documentation a motion would be in order to approve the issuance of a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for the licensing period of October 3<sup>rd</sup>, 2013 through June 30, 2014 to Property Operations, L.L.C. (dba Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956 with Jason J. Kunstman as Agent.

**MOTION:**

Motion made by unanimous consent to approve the issuance of a Class “B” license to see fermented malt beverages, and a “Class B” license to see intoxicating liquors in the Town of Clayton for the licensing period of October 3<sup>rd</sup>, 2013 through June 30, 2014 to Property Operations, L.L.C. (dba Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956 with Jason J. Kunstman as Agent.

- C. Discussion/Action: Town Board review and consideration of the purchase of property owned by Winnebago County known as Out Lot 1 of the Plat of Metzsig Hills II, specifically identified as Tax ID # 006-1611.

Attached please find copies of the documentation from the County taking ownership of the property in question as well as a copy of a letter from County Treasurer Mary Krueger. The Administration has placed this item on the Board’s Agenda so that the Board can be advised of the actual cost of the proposed purchase of Out Lot 1 of the Plat of Metzsig Hills II, specifically identified as Tax ID # 006-1611. If the Board would like to proceed with the proposed purchase, a motion would be in order to direct staff to provide the County Treasurer with the documentation she is asking for and to proceed with the purchase as planned.

- Discussed future of the property if the Town does not purchase
- Discussed possible uses if purchased by the public and possible storm water management issues
- Discussed the cost and fees imposed by the County

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to direct staff to provide the County Treasurer with the documentation she is asking for and to proceed with the purchase of parcel 006-1611 at a cost of \$981.24

Motion carried by a 4-1 voice vote. Supervisor Grundman voted “NO”.

- D. Discussion/Action: Town Board review, consideration and direction to staff relative to the continued application for Technical Assistance from the East Central Regional Planning Commission for the possible development of Municipal Sanitary Sewer and Water Utilities in the STH “76” and USH “10” corridor.

Staff has received the annual application for Technical Assistance from the East Central Regional Planning Commission. The Administration would like to apply for continued assistance for the possible development of Municipal Sanitary Sewer and Water Utilities in the STH “76” and USH “10” corridor. As the reconstruction of the intersection of highway “10”, and highway “41” becomes more likely to be funded by the State, the provision of municipal utilities to the highway “76” and highway “10” corridor becomes more important to the Town. Using the East Central Regional Planning Commission provides the Town with valuable technical assistance at little to no cost; additionally, the Commission provides the Town with an overlying agency that can mitigate many of the political hurdles that this type of project can generate. If the Board agrees with the recommendation, a motion would be in order to direct staff to apply for continued assistance with the development of Municipal Sanitary Sewer and Water Utilities in the STH “76” and USH “10” corridor.

**MOTION:**

Motion made by unanimous consent to direct staff to apply for continued assistance with the development of Municipal Sanitary Sewer and Water Utilities in the STH “76” and USH “10” corridor.

- E. Discussion/Action: Town Board review and clarification of the term limits for Commission and Committee Appointment made by the Town Board.

Attached please find a copy of the minutes from the April 13<sup>th</sup>, 2004 Annual Meeting of the Town Electors. At that meeting, the then Town Chair, Schroeder, appears to have discussed term limits for Plan Commission members (highlighted in yellow). That discussion includes the 2-term limit for Plan Commission Members; however, the discussion does not include an advisory motion by the Town’s Electors. This is the only action that staff can find in the minutes of the Town Electors Meetings. Also attached are copies of the CY 2002 Plan Commission Ordinance and the CY 2007 revisions to the Town’s Plan Commission Ordinance. Both of these Ordinances include an Appointment and a Term Section (highlighted in yellow). Neither of the Ordinances have term limits on the appointment of Plan Commission members. Since the Town’s Electors actions on this issue would be advisory, the Administration is of the opinion that the language in the Ordinances would prevail if challenged. Should the Board wish to have confirmation of the Administration’s opinion, a motion would be in order to ask the Town Attorney for a Legal Opinion on this issue, and to have the Administration advise the Town Chair of the results of the inquiry.

- Discussed history of term limits per the Plan Commission Ordinances
- Recommendation to leave as is

**NO MOTION**

- F. Discussion/Action: Town Board review and consideration of an appointment to the Town’s Plan Commission to complete the unexpired term of Commissioner Brucks with a term ending on April 31<sup>st</sup>, 2015  
Name to be presented by the Town Chair.

The Town Chair has advised the Administration that he would like to recommend the appointment of a resident of the community to replace Commissioner Brucks on the Town’s Plan Commission. The proposed appointee would serve the balance of Commissioner Brucks’ term with the term ending on April 31<sup>st</sup>, 2015. Should the Board agree with the Chair’s recommendation for appointment, a motion would be in order to make the appointment to serve the balance of Commissioner Brucks’ term on the Plan Commission.

- Chair Luebke advised John Jesse has expressed interest in joining
- Jason Ehrmentraut expressed an interest in serving in the future

**MOTION:**

Motion by: Supervisor Lettau

Seconded by: Supervisor Geise

Motion to accept the name presented of John Jesse to serve the balance of Commissioner Brucks’ term on the Plan Commission with the term ending on April 31<sup>st</sup>, 2015

Motion carried by unanimous voice vote.

- G. Discussion/Recommendation : Staff update to the Town Board on the approval process for the Certified Survey Map of and the sale of the Elmer property.

The Administration would like to take this opportunity to update the Board on the Certified Survey Map (CSM) project for the Elmer properties and the sale of the Elmer house. Attached please find copies of the Certified Survey Maps for the site. The CSM has been approved by the Town Board and is awaiting approval at the County. The hold up with the approval process involves the Larsen/Winchester Sanitary District Boundaries (District). The County has advised staff that the District Boundaries do not follow property lines; this issue needs to be corrected before the County will approve the CSM submitted by the Town. District Chair Pfankuch has advised staff that the District will correct the boundaries for the site as soon as they can legally do so. The Administration expects the boundaries to be corrected by late October of CY 2013. Once this issue has been corrected staff will record the CSM and move forward with completing the project. Staff will also be able to update the Board on the sale of the Elmer house at the meeting. Several issues with the project will be resolved by the time of the meeting.

- Discussed the CSM delay relative to the Sanitary District
- Discussed a time frame for finalization
- Administrator Johnston will discuss with Mr. Pfankuch

**NO MOTION**

- H. Discussion/Recommendation: Town Board review and direction to staff relative to the proposed schedule for the Public Hearing and Special

Electors Meeting to approve the CY 2014 Municipal Levy and the CY 2014 Highway Expenditures/Transportation Budget.

Attached please find a copy of the Public Notice and the Posting for the Town’s Public Hearing and Special Electors Meeting to approve the CY 2014 Municipal Levy and the CY 2014 Highway Expenditures/Transportation Budget. As directed by the Board at the final Town Board Budget Hearing, the Administration has scheduled the Public Hearing and the Town Electors Meeting for 7:00 P.M. on Wednesday, October 16<sup>th</sup> 2013 with the Town Board meeting to follow. Staff intends to have available at the Office, and to publish on the Town’s Home Page, a Draft Copy of the Budget and a draft copy of the Budget Summary on Thursday, October 17<sup>th</sup>, 2013. Additionally, staff will be preparing a Power Point presentation for the Public Hearing and the Town Electors meeting. Should the Board have any additional steps they would like taken it should notify staff as soon as possible.

- The Public Hearing and Special Electors Meeting now has to be November 1, 2013 due to Statutory Requirements relative to publishing

**NO MOTION**

- I. Discussion/Recommendation: Town Board review and direction to staff relative to rescheduling the Town Board’s Wednesday, January 1<sup>st</sup>, 2014 meeting to an alternate date.

At the Chair’s direction, staff is respectfully requesting that the Board select and alternate date for, or cancel, the Wednesday, January 1<sup>st</sup>, 2014 Town Board meeting. The Administration believes that it would be best to cancel the meeting. Given the holiday schedule and the fact that staff will be collecting taxes during the two weeks preceding the January 1<sup>st</sup>, 2014 Board meeting it is not likely that the agenda for the meeting will have any critical issues for the Board to deal with. Please be advised that staff will schedule the meeting for an alternate date if that is the Board’s desire. Direction to staff relative to this issue would be appreciated.

**MOTION:**

Motion made by unanimous consent to cancel the Wednesday, January 1<sup>st</sup>, 2014 Town Board meeting.

- XI. Upcoming Meeting Attendance
  - A. Wisconsin Towns Association Meeting, 10/3/13 at 6:30, Town of Vinland
- XII. Board Member Requests for Future Agenda Items
  - A. None
- XIII. Review of Disbursements
  - A. Disbursements
- XIV. Adjournment – 8:05 P.M.

**MOTION:**

Motion made by unanimous consent to Adjourn.

Respectfully submitted,  
Jenna Prange, Administrative Assistant