

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, April 15<sup>th</sup>, 2015

Town 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 Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	ABSENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rose Simon	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s):

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, April 1<sup>st</sup>, 2015.

**MOTION:**

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, April 1<sup>st</sup>, 2015.

IV. Open Forum – Town-related Matters not on the Agenda:

V. Correspondence:

- A. UW Extension notice of the 2015 Town Officials Workshop.
- B. Memorandum from the League of Wisconsin Municipalities on pending legislation to eliminate the Personal Property Tax.
- C. Wisconsin Towns Association Memorandum on Posting Requirements Legislation.
- D. Letter from the Winnebago County, Industrial Development Board on the distribution of the Town's IDB Per Capita Funding.
- E. Distribution of an e-mail from Shannon Full (Fox Cities Chamber).

- F. Copy of a letter from the Winnebago County Zoning Department identifying deficiencies in the storm water management devices in the Plat of Strawberry Fields.
- G. Winnebago County Solid Waste Management Board 2015 Recycling Tonnage Report.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff’s Department – Public Concerns and Issues
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
  - Engineer Miller discussed the CY 2015 Roadway Improvement Project. Chair Luebke will not be going forward with the Whispering Meadows subdivision. Contracts to MCC have been sent for the remaining projects which includes Winncrest subdivision, Oakcrest subdivision, Oak Openings subdivision and the remaining Fox Valley Asphalt development area. Utility companies are working on the relocation work in these areas. Preconstruction meeting to be scheduled with the contractors and utility companies. Preconstruction meeting possibly April 29<sup>th</sup> at 10:00. Public information meetings from 5:30 to 6:30 p.m. on April 30<sup>th</sup> and May 4<sup>th</sup>. CY 2015 Roadway Maintenance Project which includes double pulverizing and double chip sealing the areas of Oakridge Road from Joseph Peters Drive to the east town line and Oakwood Avenue from Larsen Road to Oakridge Road. Bid opening date of Thursday, April 23<sup>rd</sup> or May 4<sup>th</sup>, 2015.
  - Attorney Simon reports that the citation to John Lasee Initial Appearance on April 14<sup>th</sup> and the judge gave him until July 2, 2015 to get a new fence done. Joint Municipal Services agreement given to Administrator Johnston. Motion for Summary Judgment on the Five Star lawsuit the week of April 20<sup>th</sup>. Dennis Brucks case status. If apron not removed by June 1<sup>st</sup> then the Town of Clayton will remove it.
  - Administrator Johnston discussed the DNR grant. Shoulders on Larsen to Fairview roads to be fixed.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
  - i. Alexandria Hueller
- B. Renewal:
  - i. None

VIII. Business referred by the Plan Commission:

- Town Board receipt, review, and consideration of Plan Commission Referrals (second Town Board meeting of the month):
- A. Plan Commission recommendation to the Town Board on a Site Plan Approval Application for an updated 150 foot monopole cellular communications tower made by CellCom, 2310 Mill Street, New London, WI 54961 for property leased from DSV, LLC, 2895 CTH “II”, Neenah, WI 54956 (TAX ID # 006-0621-01).

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion that we approve the Application for an updated 150 foot monopole cellular communications tower at the address listed and with all staff and commission recommendations.

Motion carried by unanimous consent.

- B. Plan Commission recommendation to the Town Board on a Conditional Use Application submitted by Jason and Robin Koslucher, 128 Washington Avenue, Neenah, WI 54956, to operate a Home Occupation Major (General Construction Work Shop Business) on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at 3158 Breezewood Lane, Neenah, WI 54956; specifically described as Tax ID # 006-0879, being located in Section 35, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion to approve the Conditional Use Application submitted by Jason and Robin Koslucher, 128 Washington Avenue, Neenah, WI 54956, to operate a Home Occupation Major (General Construction Work Shop Business) on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at 3158 Breezewood Lane, Neenah, WI 54956; specifically described as Tax ID # 006-0879, being located in Section 35, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried by unanimous consent.

- C. Plan Commission recommendation to the Town Board on the draft maps and demographic data to be used in the Town’s CY 2015 Comprehensive Plan Update.

Refer this to staff for further consideration.

- D. Plan Commission recommendation to the Town Board on an East Central Commission (ECWRPC) update of the Appleton (Fox Cities) Transportation Management Area (TMA).

Refer this to staff for further consideration.

- E. Plan Commission recommendation to the Town Board relative to the Town’s input on a Winnebago County 10-year update of the County’s Comprehensive Plan.

Refer this to staff for further consideration.

IX. Business referred by the Green Space Committee:

Town Board receipt, review, and consideration of Green Space Committee Referrals (first Town Board meeting of the month):

- A. Green Space Committee recommendation to the Town Board on a proposal for placing asphalt paving around the Clayton Park Pavilion area.
  - Updating the electrical in the pavilion.

Green Space Committee recommendation to the Town Board on a proposal for placing asphalt paving around the Clayton Park Pavilion area.

Staff reviewed the proposal for placing asphalt paving around the Clayton Park Pavilion area that was submitted by Appleton Asphalt, Inc, W5883 Easter Lily Drive, Appleton, WI 54915 at a cost of \$4,244.00. In order to save money and improve the quality of the project staff is planning to do the prep work for the project itself. Staff will have a site plan at the Committee’s meeting to identify the area proposed to be paved and a methodology for draining the area around the pavilion structure. The Committee will need to make a motion relative to recommending the project to the Board.

**MOTION:**

Motion by: Committee Member: Dorow

Second by: Committee Member: Heider

Motion: To recommend approval of the proposal for placing asphalt paving around the Clayton Park Pavilion area.

Vote: Carried by unanimous voice vote.

**MOTION:**

Approved by unanimous consent not to exceed \$4,244.00.

X. Business:

- A. Discussion/Action: Town Board second reading, review, and consideration of Ordinance 2015-001 an Ordinance rescinding and re-creating in its entirety Ordinance 4.5 known as the Town’s Abandoned Vehicle Ordinance.

Attached please find a Draft copy of the revised Ordinance 4.5 known as the Town’s Abandoned Vehicle Ordinance. The Town’s Plan Commission has recommended the revised Ordinance to the Town Board for approval. The revisions to the Ordinance are as follows:

1. **Definitions:**
  - a. At the Attorney’s recommendation the Administration has inserted the statutory definition of Vehicle to simplify the enforcement of the Ordinance.
2. **Applicability:**
  - a. Insert the term “**not**” into the applicability clause of the Ordinance.
3. **Applicability:**
  - a. The Commission recommended removing the exemption from the Ordinance for Municipal property as it appears to be unfair for the Town to set a standard for the community and not want to live up to that standard on its own property.
4. **Vehicle Abandonment Prohibited:**
  - c. Substitute the word “vehicle” for automobile.
5. **Enforcement Officer:**
  - a. Since the Town Electors have authorized the creation of a Constable position but the Town Board has not created the position of a Constable, the Ordinance includes the following language “ the Constable and/or the Building Inspector or their authorized representative” in order to include all possible alternatives.
6. **Penalty:**
  - a. Since imprisonment is not likely to occur the Plan Commission has recommended that the imprisonment language be removed from the Ordinance.

If the Board is comfortable with the public input and the Plan Commission’s recommendation of the revisions to Ordinance 4.5 Abandoned Vehicle Ordinance, a motion would be in order to refer Ordinance 2015-001 which rescinds and recreates Ordinance 4.5 Abandoned Vehicle Ordinance to a second reading and final approval at the Town Board’s April 15<sup>th</sup>, 2015 meeting.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion: Motion that we approve Ordinance 2015-001, an ordinance rescinding and recreating in its entirety Ordinance 4.5 the Town of Clayton Abandoned Vehicle Ordinance.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

- B. Discussion/Action: Town Board review and consideration of Resolution 2015-006 A Resolution recommending approval of certain zoning amendment changes affecting the Winnebago County Official Map of the Town of Clayton.

Attached please find copies of material provided by the County in relation to Zoning District Amendments and text changes to the County’s Zoning Code. The Zoning District Amendment is for a section of the right-of-way for CTH “II” on the corner of CTH “II” and Pioneer Road. Staff is using the County’s Resolution format and is adding the Town’s numbering to the County’s document. The Administration has no issues with the County’s request and is recommending approval of the Resolutions with a roll call vote.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion to approve Resolution 2015-006.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

- C. Discussion/Action: Town Board review and consideration of Resolution 2015-007 A Resolution recommending approval of proposed text amendments affecting the Winnebago County Zoning Code (Chapter 23) of the Winnebago County General Code.

Attached please find copies of material provided by the County in relation to Zoning District Amendments and text changes to the County’s Zoning Code. The Zoning District

Amendment is for a section of the right-of-way for CTH “II” on the corner of CTH “II” and Pioneer Road. Staff is using the County’s Resolution format and is adding the Town’s numbering to the County’s document. The Administration has no issues with the County’s request and is recommending approval of the Resolutions with a roll call vote.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion to approve Resolution 2015-007, A Resolution recommending approval of proposed text amendments affecting the Winnebago County Zoning Code (Chapter 23) of the Winnebago County General Code.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Geise: Aye.

Chair Luebke: Aye.

Motion carried unanimously.

- D. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services for construction related services for the Town’s CY 2015 Capital Construction Projects submitted by the Town’s Engineering Firm, Martenson & Eisele, Inc.

Attached please find a copy of the Agreement for Professional Services for construction related services for the Town’s CY 2015 Capital Construction Projects submitted by the Town’s Engineering Firm, Martenson & Eisele, Inc. The proposal provides the Town with a degree of certainty that the projects are built as designed and that the billing from the general contractor is accurate and correct. At this point it is the Administration’s understanding that the Developer of the Whispering Meadows Subdivision is not going to proceed with the project, therefore, the \$7,500.00 related to that project should be removed from the Agreement. The Administration is recommending that the Town Board approve the Agreement for Professional Services at a cost not to exceed \$36,300.00 with the funding to come from the Town’s Debt Service Fund and from the Escrow Fund for the Fox Valley Asphalt project. If the Board Agrees with the Administration’s recommendation a motion would be in order to approve the Agreement for Professional Services at a cost not to exceed \$36,300.00 with the funding to come from the Town’s Debt Service Fund and from the Escrow Fund for the Fox Valley Asphalt project.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion: Motion to approve the Agreement for Professional Services at a cost not to exceed \$36,300.00 with the funding to come from the Town’s Debt Service Fund and from the Escrow Fund for the Fox Valley Asphalt project.

Motion carried unanimously.

- E. Discussion/Action: Town Board review and direction to staff relative to soliciting an animal impoundment contract with an area provider and defining who is authorized to take stray animals to the service provider.

Attached please find a copy of the Town’s CY 2014 Contract with the Neenah Animal Shelter. The Contract, as signed, allows Town residents to take animals directly to the shelter and bill the Town for the Shelter’s services. This item was removed from the Town’s earlier Contract with the Neenah Animal Shelter so that only a sworn officer of the Town’s Animal Control Officer could take an animal to the Shelter for the Town. Staff has always recommended that the Board should not relinquish control of a process that it is going to have to pay for. This is not to say that a resident could not call the Animal Control Officer and have a stray animal taken to the shelter only that the individual could not take the animal directly. Based on conversations with staff at the Neenah Animal Shelter, they do not appear to be willing to change the existing Contract if it were to be renewed. Staff is looking for direction from the Board relative to what direction it would like to take; should staff solicit proposals from other area providers or should staff present a Contract renewal with the Neenah Animal Shelter that allows residents to take animals directly to the shelter.

Approved by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of active enforcement by Town staff of the County’s Ordinance on placing rural addressing numbers Chapter 7, Traffic Code, Section 7.06 Uniform Addressing System.

Attached please find a copy of Section 7.06 Uniform Addressing System of the County’s Traffic Code. Section 7.06 requires that the rural addressing number be in a specific area on the right hand side of the driveway. A number of individuals in the Town have moved their addressing number to an area that is outside of the Code requirements. Staff would respectfully ask the Board for direction relative to enforcing the County’s Code within the Town’s limits. If the Board would like to have staff enforce the Code a motion would be in order to direct staff to enforce Chapter 7, Traffic Code, Section 7.06 Uniform Addressing System of the County Code within the Town limits.

**MOTION:**

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion: Motion that we actively enforce the County’s ordinance on placing rural addressing numbers under Chapter 7 Traffic Code Section 7.06 Uniform Addressing System of the County Code within the Town limits. We will replace it the first time at no fee with a letter to go out. Afterwards we will charge the residents \$125.00 if we have to move it again.

Motion carried by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of a rental Policy for the municipally owned home located at 8649 Clayton Avenue, Neenah, WI 54956 in the Town of Clayton and specifically identified as Tax ID # 006-0363-06.

Attached please find a copy of a memorandum from the Town's Attorney relative to a landlord's ability to limit who can rent a property. The Town's Attorney will be at the Board meeting to review the information she has gathered and advise the Board. The attached e-mail from Jim Seefeldt at Pfefferle Property Management outlines the process they use for renting units under their control; additionally, he is giving the Board some options relative to pets and individuals who smoke. The Administration would like to advise the Board that the current tenants have taken some actions that indicated that they are going to vacate the house and that time is about to become an issue with this process. The Administration is respectfully asking the Board for specific direction relative to the rental process, a rental policy, and signing an agreement with Pfefferle Property Management. If the Board is in agreement with the process, a motion would be in order to direct staff to draft a rental policy, and to sign an agreement with Pfefferle Property Management. Additionally, staff should schedule the Draft Rental Policy for approval by the Board at its Wednesday, May 6<sup>th</sup>, 2015 meeting.

- Discussed smoking in the residence, charging more to have animals and criminal record.

**MOTION:**

Motion by: Chair Luebke

Seconded by: Supervisor Schmidt

Motion: Motion that we approve the conditions for rental of the property at 8649 Clayton Avenue to include paying one month's rent and an additional 25% security deposit for pets.

Motion carried by unanimous consent.

- H. Discussion/Action: Town Board review and consideration of the Town Attorney's recommendations relative to the statutory requirements/process for filling the vacant position of Town Board Supervisor for the Town of Clayton.

The Administration has asked the Town's Attorney to be ready to advise the Board on the Statutory process for filling the soon to be vacant Town Board Supervisor seat held by Supervisor Geise. Specifically, the Administration has asked the Town's Attorney to provide a timeline for the possible appointment and any specific details set forth by the Statutes. The only question the Board will need to deal with is finding someone who has shown any interest in serving on the Town Board. Once the Board sets a schedule for the appointment staff will schedule the process.

- The last time this occurred the issue was put on the agenda for discussion. Attorney Simon reviewed the statutory requirements.

**NO ACTION TAKEN.**

- I. Discussion/Action: Town Board review and consideration of the Town Attorney's recommendations on the Town's options relative to the possible submission to the State of an Incorporation Petition for a portion of the Town of Menasha.

The Administration has asked the Town Chair to place this item on the Board's Agenda for consideration and direction to staff. Specifically, the Administration is asking the Board to authorize the Town's Attorney to research any and all avenues the Town can take to oppose the Incorporation of the Town of Menasha. If the Board agrees with the Administration's request, a motion would be in order to authorize the Administration and

the Town's Attorney to proceed with the research and report to the Board at the earliest possible time.

- Attorney Simon will keep up on the process as time goes on.

- J. Discussion/Action: Town Board review and consideration of any additional agenda items the Board may wish to place on the agenda for the 165<sup>th</sup> Annual Meeting of the Town Electors.

Attached please find a revised draft copy of the agenda for the 165<sup>th</sup>, Annual Meeting of The Town Electors scheduled for Tuesday, April 21<sup>st</sup>, 2015. The Administration is respectfully asking the Board for any agenda items it may wish to add to the agenda before it is published and posted.

**NO ACTION TAKEN.**

- XI. Upcoming Meeting Attendance:  
Joint Fire Board meeting on April 27<sup>th</sup> in the Town of Clayton  
Winnebago Towns Association meeting on April 23<sup>rd</sup> in the Town of Clayton
- XII. Board Member Requests for Future Agenda Items:
- XIII. Review of Disbursements:
- XIV. Adjournment:  
**MOTION:**  
Motion made by unanimous consent to Adjourn at 8:23 p.m.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk