

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, April 20th, 2016

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

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Geise 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 Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	ABSENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Rich Carlson	PRESENT

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

- A. No Public Hearings and/or Public Information Meetings.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, April 6th, 2016.

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 6th, 2016.

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

- Natalie Strohmeier, 618 Bondow Dr, Neenah. Worked for the Register of Deeds in Outagamie County for over 30 years and has also been Deputy for 17 years. She will be running for the Register of Deeds position with Winnebago County which has come up due to a retirement. Hoping to have residents sign the petition for her to run in the next election.

- V. Correspondence:
- A. Copy of Green Space Committee Member Nancy Heider’s resignation from the Committee.
 - B. Copy of David Guay’s resignation letter from the Clayton Fire Rescue Department.
 - C. Winnebago County Solid Waste Management Board CY 2016 Tonnage Report.
 - D. Copy of Correspondence from Mark Gottlieb Secretary of the State Department of Transportation.
 - E. Copy of an e-mail relative to the condition of Breezewood Land east of CTH “IP”.
 - F. Update from Cedar Corporation that will be reviewed by the Town Chair.
 - G. Copy of correspondence from a property owner to the Town Chair.
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report
 - B. Winnebago County Sheriff’s Department: – Public Concerns and Issues
 - C. Clayton Fire Rescue Department (First Meeting of the Month)
 - a. Clayton Fire Rescue First Responder (First Meeting of the Month)
 - D. Larsen-Winchester Sanitary District
 - E. Administration Comments
 - Engineer Miller discussed having the telephone and gas utilities moved in anticipation of the work on Clayton Avenue. Public information meeting scheduled for April 27th from 5:30 to 6:30 p.m. The bid documents for Whispering Meadows project have been finalized. The bid opening will be on Friday, April 29th at 10:00 a.m. The bid results will be presented at the May 4th meeting. A proposal has been submitted for the Hickory Avenue project which will be discussed later.
 - Chair Geise discussed the Town of Menasha becoming the Village of Fox Crossing.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. No New Licenses Issued
 - B. Renewal:
 - i. No Renewal Licenses Issued
- 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 re-zoning Application submitted by Mary K. and Craig A. Keberlein, 9394 Oakwood Avenue, Neenah, WI 54956 for property located at 9394 Oakwood Avenue, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0031-07-01, consisting of Lot 1 of CSM # 959 and located in Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (RURAL RESIDENTIAL DISTRICT) to A-2 (GENERAL FARMING DISTRICT).

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Wisnefske

Motion: Motion to recommend approval to the Town Board for the Re-Zoning Application submitted by Mary and Craig Keberlein, 9394 Oakwood Avenue, Neenah, WI for Lot 006-0031-07-01 per the agenda item and staff recommendations.

Vote: Motion carried.

- Acted on for the Town Board agenda.

- B. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Mary K. and Craig A. Keberlein, 9394 Oakwood Avenue, Neenah, WI 54956 for property located at 9394 Oakwood Avenue, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0031-07, and Tax ID # 006-0031-07-01 consisting of all of Lot 1 of CSM # 959 as recorded in volume 1 of Certified Survey Maps on Page 959 and part of the southwest ¼ of the southwest ¼, all in Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Wisnefske

Motion: Motion to recommend approval to the Town Board of the Certified Survey Map (CSM) submitted by Mary and Craig Keberlein, 9394 Oakwood Avenue, Neenah, WI for Lot 006-0031-07-01 per the agenda item and staff recommendations.

Vote: Motion carried.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve the Certified Survey Map (CSM) submitted by Mary K. and Craig A. Keberlein, 9394 Oakwood Avenue, Neenah, WI for Lot # 006-0031-07-01 per the agenda item and all staff recommendations.

Vote: Motion carried unanimously.

- C. Plan Commission recommendation to the Town Board on a Conditional Use Permit Application submitted by Horn RV, 8120 South Frontage Road, Sheboygan, Wisconsin 53081 to operate a Recreational Vehicle Sales and Service facility on property zoned B-3 (General Business District). The property is located at the east end of West American Drive in the Town of Clayton on property listed by Claymann Creek LLC, 5600 West Grand Market Drive, Suite 300 Appleton, WI 54913(new address) TAX ID # 006-0341, being part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Reif

Seconded by: Commissioner Eckstein

Motion: Motion that we recommend approval to the Town Board of the Conditional Use Application submitted by Horn RV referred to as Tax ID # 006-0341 as stated in the staff report and with staff recommendations.

Vote: Motion carried.

- Administrator Johnston stated that the Town is waiting on the color palette of the building and the inventory for the landscaping plan.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion: Motion that we approve the Conditional Use Application submitted by Horn RV referred to as Tax ID # 006-0341 as stated in the staff report and with staff recommendations.

Vote: Motion carried unanimously.

- D. Plan Commission recommendation to the Town Board on an amendment to a Conditional Use Application submitted by Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956, for operating a landscaping business on property zoned A-2 (GENERAL FARMING DISTRICT). The property is located at 2847 Larsen Road, Neenah, WI 54956; specifically described as Tax ID # 006-0645-01, being part of the Northwest ¼ of the Northwest ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Wisnefske

Motion: Motion to recommend that the Town Board approve the amendment of the Conditional Use Application for the property located at 2847 Larsen Rd, Neenah, WI, Tax ID # 006-0645-01 as the descriptions listed with the staff recommendations.

Vote: Motion carried.

- Chair Knapinski appeared stating that the business partner has left which opened up the need for a change to the existing Conditional Use Application for Jason Ehmentraut. Potential hazards of the location were discussed.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Lettau

Motion: Motion that we approve the amendment to the Conditional Use Application for the property located at 2847 Larsen Rd, Neenah, WI submitted by Jason Ehrmentraut referred to as Tax ID # 006-0645-01 as stated in the staff report and with all staff recommendations.

Vote: Motion carried unanimously.

- E. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956 for property located at 2847 Larsen Road, Neenah, WI 54956; specifically described as Tax ID # 006-0645-01, being part of the Northwest ¼ of the Northwest ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Reif

Motion: Motion that we recommend approval to the Town Board of the Certified Survey Map (CSM) located at 2847 Larsen Road, Neenah, WI, Tax ID # 006-0645-01 with the description of the property as listed with the confirmation of the Re-Zoning and the setbacks with staff recommendations.

Vote: Motion carried.

- Chair Knapinski recommended approval of the CSM to the Town Board.
- Supervisor Lettau discussed the driveways being too close together.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we accept the Certified Survey Map (CSM) for property located at 2847 Larsen Rd, Neenah, WI referred to as Tax ID # 006-0645-01 with the description of the property listed with the confirmation of Re-Zoning and the setbacks with all staff recommendations.

Vote: Motion carried unanimously.

- F. Plan Commission recommendation to the Town Board on updates to the Draft Comprehensive Plan Maps and Documents based on input from the Public Listening Session for the Town's CY 2015/16 Comprehensive Plan Update.

Action:

Directed staff to finish/complete update and distribute the Draft CY 2015/16 Town of Clayton Comprehensive Plan Update to the Commission on or about April 25th, 2016.

- Chair Knapinski discussed the Town of Clayton Comprehensive Plan Update.

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 Plan Commission and the Town Board on a draft of a categorized trail network for the Town of Clayton to include types of uses, parking sites, and directional signage.

Business

A. Green Space Committee Action:

Committee review and recommendation to the Plan Commission on a draft of a categorized trail network for the Town of Clayton to include types of uses, parking sites, and directional signage.

- Discussed moving proposed trail to Hwy 76 from the middle of Section 14 from County Rd II to Fairview.
- Discussed future trail needs relative to the development of areas in town.
- Discussed proposed parking areas of Hickory, Center and Fairview.
- Discussed possibly creating parking at Olsen’s Rest.
- Discussed cost of proposal of parking.
- Discussed adding proposed trail along Breezewood West to Wiouwash.
- Discussed where the funds for signage would come from relative to the 2016 Budget and grant monies.

MOTION:

Motion by: Committee Member: Dorow

Second by: Committee Member: Prusik

Motion: To approve the map with the staff recommendations to include adding the future potential trail from Section 35 on Breezewood out to the Wiouwash Trail.

Vote: Carried by unanimous voice vote

- NO ACTION TAKEN.

X. Business:

- A. Discussion/Action: Town Board review and consideration of Ordinance 2016-002 An Ordinance To Amend The Official Town Of Clayton Zoning Ordinance Map for the Keberlein re-zoning Application.

Attached please find a copy of Ordinance 2016-002 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map. The listed applicant applied for the rezoning; the Plan Commission has held the required Public Hearing on the proposed rezoning and has recommended approval of the rezoning application to the Town Board. If the Board agrees with the Plan Commission recommendation, a motion would be in order to approve Ordinance 2016-002 and to direct staff to file the appropriate documentation with the County.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion that we approve Ordinance 2016-002 and direct staff to file appropriate documentation with Winnebago County.

Vote: Motion carried by unanimous roll call vote.

Chair requested roll call vote:

Supervisor Reif: Aye.

Supervisor Grundman: Aye.

Chair Geise: Aye.

Supervisor Schmidt: Aye.

Supervisor Lettau: Aye.

- B. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2015-015 A Resolution Creating a Statutorily required list of Appointed Election Poll Workers for the CY 2016/17 election cycle to add the following to the list of approved poll workers:
- i. Tom Flemming, 7363 Carden Drive, Neenah 54956
 - ii. Jenny Mankiewicz, 7285 Fondotto Drive, Neenah 54956
 - iii. Paul Meier, 8886 Center Road, Neenah WI 54956

Attached please find a copy of Resolution 2015-015 as approved by the Board: Resolution 2015-015 is a Resolution Creating a Statutorily Required List of Appointed Election Poll Workers. Also attached is a copy of the amended Exhibit A to Resolution 2015-015 with the names of the additional poll workers highlighted in yellow. The additional Poll Workers on the list are recommended for addition by staff and the Chief Poll Worker, Judi Quadracci. As in the past, both the Democratic Party and the Republican Party are eligible to provide Poll Worker names to the Clerk. The list of Poll workers with the additional names is valid for 2 years and is used to select individuals who will work at the Town’s Elections. If the Board agrees with the addition of the listed names to the Poll Worker list, a Motion to approve the addition of the listed names to Exhibit A of Resolution 2015-015 a Resolution Creating an Election Poll Worker List for CY 2016 and CY 2017 election cycle as presented.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: Motion that we approve the addition of the listed names to Exhibit A of Resolution 2015-015, a Resolution creating an Election Poll Worker list for CY 2016 and CY 2017 election cycle as presented.

Vote: Motion carried by unanimous roll call vote.

Chair requested roll call vote:

Chair Geise: Aye.

Supervisor Lettau: Aye.

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Reif: Aye.

- C. Discussion/Action: Town Board review and consideration of a mediated resolution to the remaining plumbing issues with the renovation of the CY 2013 Town/Fire Hall project.

Attached please find copies of e-mail from Todd Cardinal, principal at Cardinal Construction, relative to this Agenda item. On Wednesday, April 13th, 2016 staff met with the Town’s Attorney to conduct a Court mandated mediation on the case brought against the Town by Lee’s Plumbing/Five Star Plumbing and the Town’s counter suit against the same parties and Cardinal Construction. The end result of the mediation process is a tentative agreement that involves the following:

A \$2,000.00 payment to Lee’s/Five Star and a release signed by all parties involved in the case, including Cardinal Construction. Staff is proposing that the \$2,000.00 payment come from the retainage for the project withheld from Cardinal Construction’s draws.

Based on the attached e-mails it appears that Todd Cardinal is willing and able to sign a release and accept that the \$2,000.00 payment will come from the firm’s retainage for the project and that the balance of the retainage (\$3,000.00 +/-) will be paid to Cardinal Construction. Absent a draft agreement, the Administration is respectfully asking the Board to authorize the Town Chair to sign an agreement that meets the criteria listed above. Specifically, a mediation agreement that does not involve using Town funds to settle the case. Should the Board agree with the process, a motion would be in order to authorize the Town Chair to settle the case by making a payment that does not exceed \$2,000.00, that the funds for the payment not come from Town resources, and that all parties in the case sign releases.

Vote: Approved by unanimous consent to pay Cardinal Construction as stated above.

- D. Discussion/Action: Town Board review and consideration of an Agreement for Professional Services to prepare bidding documents for pulverizing and repaving the asphalt surface of Hickory Avenue from CTH “II” to the beginning of the USH “10” overpass approach to include concrete curb returns at CTH”II”, Umland Road, and Fairview Road.

The Board budgeted \$125,000.00 for chip sealing in the Town’s CY 2016 General Fund, Public Works Budget. As part of the budgeting process staff was recommending that the Town double chip seal the following roads:

- A. Hickory Avenue from CTH “II” to Umland Road.
- B. Medina Junction Road from Fairview Road to North Loop Road
- C. North Loop Road from Medina Junction Road to the west Town Line.

Given the failure of Oakwood Avenue between Larsen Road and Oakridge Road staff has recommended that the Town Board change the chip sealing plan to a re-paving plan when the substructure (base) of the roads are in good condition. To that end, attached please find a Proposal for a minimal Scope of Services for re-paving Hickory Avenue from CTH “II” to Umland Road to include pulverizing and repaving the asphalt surface of Hickory Avenue from CTH “II” to the beginning of the USH “10” overpass approach and to include concrete curb returns at CTH”II”, Umland Road, and Fairview Road. The cost of the Engineering Scope of Services is \$7,600.00. Funding for the construction project will come from the Town’s CY 2016 Chip Sealing Line Item in the General Fund, Public Works Budget. Any funds remaining in the Budget Line Item will be used to offset the repair costs of Oakwood Avenue between Larsen Road and Oakridge Road. Funding for the Engineering Scope of Services will come from the Town’s CY 2016 General Fund Budget, Public Works, Engineering Line Item. Should the Board agree with the Administration’s recommendations, a motion would be in order to approve the Agreement for Professional Services to prepare bidding documents for pulverizing and repaving the asphalt surface of Hickory Avenue from CTH “II” to the beginning of the USH “10” overpass approach and to include concrete curb returns at CTH”II”, Umland Road, and Fairview Road at a cost not to exceed \$7,600.00.

- Administrator Johnston described the locations to have road work done in CY 2016.

Vote: Approved by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of a change of Agent Application for the following establishment:
 - i. Winagamie, Inc. (d.b.a. Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956.
Agent: from Daniel McGinn to Matt Burry

Attached please find the documentation relative to the change of Agent for the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors held by Winagamie, Inc. (d.b.a. Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956. The new Agent will be Matt Burry who will be conducting business as Agent for the Winagamie Golf Course facility. Staff has reviewed the documentation and is recommending that the change of Agent be approved. Should the Board agree with the recommendation, a motion would be in order to approve Matt Burry as Agent for Winagamie, Inc. (d.b.a. Winagamie Golf Course) 3501 Winnegamie Drive, Neenah, WI 54956.

Vote: Approved by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of a consolidated Draft Special Assessment Policy for the Town of Clayton and its related Municipal Storm Water Management Utility, Municipal Sanitary Sewer Utility and Municipal Water Utility.

Attached please find the final Draft of the Town’s Special Assessment Policy. The Town Board’s and the Attorney’s edits have been incorporated into the Draft Document. Please be advised that the Board should be comfortable that the Draft Policy needs to be considered and applied in its entirety and in concert with the referenced Special Assessment Ordinance. If the Board is comfortable with the Draft Special Assessment Policy as presented, a motion would be in order to approve the Draft Special Assessment Policy for the Town of Clayton as presented and to direct staff to prepare the required Special Assessment Ordinance that accompanies the Policy.

Vote: Approved by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of the Town’s CY 2016/17 salt purchase through the State Department of Transportation Slat Purchase program.

Attached please find a copy of the State Department of Transportation (DOT) salt order form for the Town’s CY 2016/17 salt purchase through the DOT Salt Purchase program. For the past 5 years staff has ordered the Town’s winter road salt through the DOT’s program. The Administration is simply advising the Board of this process and seeking confirmation that the Board is comfortable with the program and staff’s use of the program. For as long as the Town has used the State’s program there have been no problems with obtaining salt and the quantities ordered have not resulted in any shortage of salt during the winter months. If the Board is comfortable with staff’s use of the program and the annual budgetary costs, direction to staff would be in order to continue to use the State’s program in future years.

- Direct staff to review the Town’s CY 2016/17 salt purchase program.

XI. Review of Disbursements:

XII. Review of General Fund Budget Update (Second Town Board meeting of the month):

XIII. Upcoming Meeting Attendance:

- May 4th re-organization meeting at 7:00 p.m.
- Open Book Friday, May 6th from 2:00 to 4:00 p.m.
- Board of Review Tuesday, May 24th from 10:00 a.m. to 12:00 Noon.

XIV. Board Member Requests for Future Agenda Items:

XV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 8:12 p.m.

Respectfully submitted,
Laurie Goffard, Deputy Clerk