

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, June 3<sup>rd</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 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	PRESENT
Town Engineer – Jeff Schultz	PRESENT
Town Attorney – Rich Carlson	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, May 20<sup>th</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, May 20<sup>th</sup>, 2015.

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

- Keith Heling, 8051 Tribute Dr, Neenah, WI 54956. Concerned about the storm water draining between his property and his neighbors to the north (8057 Tribute / Owners: Budde). The pond covers 3 properties and his property is in the middle. Flow of water to the pond has increased with more new homes being built and the Town of Clayton doing easement work in 2014. He is concerned with additional erosion of his property into the pond. Submitted a copy of his concerns, copy of the Town of Clayton home page and the storm water utility maintenance highlighting the applicable sections.
- Administrator Johnston stated that the pond design was in anticipation of development of that subdivision.

- V. Correspondence:
- A. May 2015 Building Inspection Report
  - B. Town of Menasha information about becoming the Village of Fox Crossing.
- 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
    - Chief Rieckmann discussing assisting in the ClaytonFest parade and fireworks
    - Have free use an UTV until April 2016 from Ecklund Motor Sports
  - D. Larsen-Winchester Sanitary District
    - Spring drawn down has started. 24 hour monitoring.
    - Some issues with the readings being different from October of 2014.
    - Cleaning ditches. New London Tree Service came in and after 1 hour pulled out and quit the job. May be going with Treeo's for tree removal.
    - System has been running good. No issues with the rags.
  - E. Administration Comments
    - Engineer Schultz gave a status report review. The Fox Valley Asphalt project is complete. The Oakcrest and WE Energies area is complete.
    - Administrator Johnston commented on the concrete driveway apron at 8255 Quail Point Road has been asphalted over and not fixed properly per the Town of Clayton ordinance. This will be subcontracted out and the property owner billed for this to be completed on or before June 20<sup>th</sup>, 2015. The asphalt and concrete would be pulled out and replaced with gravel over the culvert.
    - Administrator Johnston discussed renewal of the liquor licenses.
    - Treasurer Straw trying to finish up the audit.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
    - i. Mallory Monroe
    - ii. Brandi Jo Hughes
    - iii. Jennifer Baltz
    - iv. Kory Ullmann
    - v. Kristi Laux
    - vi. Joshua Coenen
  - B. Renewal:
    - i. Gail Schwerin
  - C. Discussion/Action: Consideration and approval of Cigarette Licenses:  
The following parties have applied for a Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of July 1, 2015 to June 30, 2016, subject to compliance with State Statutes and Municipal Ordinances.
    - a. Larsen Cooperative Company (d.b.a. Larsen Hardware Country Store), 8290 County Road T, Larsen, WI 54947.

- b. Remington Oil Co. Inc. (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.
- c. Winagamie, Inc. (d.b.a. Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956.
- d. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956.
- All of the above listed Cigarette Licenses are approved by unanimous consent.

D. Discussion/Action: Consideration and approval of Alcohol Licenses:

The following parties have a renewal application for a “Class A” license to sell fermented malt beverages, and a “Class A” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2015 through June 30, 2016, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Remington Oil Co Inc., (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.  
Agent: Sarah J. Borneman

E. The following renewal application for a Class “B” license to sell fermented malt beverages is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2015 through June 30, 2016, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. S.O.L. Restaurants LLC (d.b.a. Oinks Restaurant), 8386 State Road 76 Suite A, Neenah, WI 54956.  
Agent: Lynn Ann Miller

F. The following parties have a renewal application for a Reserve Class “B” license to sell fermented malt beverages, and a Reserve “Class B” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2015 through June 30, 2016, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Leisure Boating # 4 LLC, (d.b.a. Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956.  
Agent: Rory J. Burton

G. Discussion/Action: Consideration and approval of Alcohol Licenses:

The following parties have a renewal application for a Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors is on file in the Town of Clayton, Clerk’s Office for the licensing period of July 1, 2015 through June 30, 2016, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Michelle Baumann, (d.b.a. The ReMixx), 8386 State Road 76 Suite B, Neenah, WI 54956.  
Agent: Michelle Baumann.

Stephanie J. Clauson (d.b.a. The Larsen Tavern), 8338 County Road T, Larsen, WI 54947.

Agent: Stephanie J. Clauson

b. Pub and More, LLC (d.b.a. Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956.

Agent: Tom Welhouse

c. Winagamie, Inc. (d.b.a. Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956.

Agent: Daniel McGinn

d. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956.

Agent: Leo John Roth Jr.

e. Willie Beamons, LLC (d.b.a. Willie Beamons), 2590 County Road II, Neenah, WI 54956.

Agent: Frances Pfeffer

f. The Woodshed Inc. (d.b.a. The Woodshed), 2895 County Road II, Neenah, WI 54956.

Agent: Dino O. Valeri

g. Kenneth R. Loehrke (d.b.a. Century Elm Supper Club), 8300 County Road T, Larsen, WI 54947

Agent: Kenneth R. Loehrke

- All of the above listed Liquor Licenses are approved by unanimous consent.

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. No Referrals.

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. No Referrals.

X. Business:

A. Discussion/Action: Town Board review and consideration of a report from the Town's Attorney on the legal implications of the possible dissolution of the Clayton/Winchester Joint Fire Department and a report from Town Staff on the impact of a dissolution action on the Town of Clayton's General Fund Revenue and Operating Budgets.

Attached please find a copy of the approved Clayton/Winchester Fire Department's CY 2015 Budget. On the same document the Administration has added a proposed CY 2016 Budget for a Fire Department operated solely by the Town of Clayton. The Administration has reviewed the draft document with the Chief and made some minor adjustments based on his input. Both the Administration and the Chief are comfortable that the proposed

draft budget would allow the Town of Clayton to run an efficient, well trained, and well equipped Fire Department. The Town Chair and the Administration will be reviewing the Town's options relative to dissolution of the Department with the Town's Attorney prior to the Board's meeting on Wednesday, June 3<sup>rd</sup>, 2015. Additionally, the Town's Attorney will be in attendance at the Board's meeting to review his recommendation for the dissolution process with the Board. Please be advised that the Town's Attorney may wish to recommend that the Board schedule a closed session at a future Board meeting.

- Administrator Johnston discussed the Department budget proposal for 2016 as a function of the Town.
- Attorney Carlson discussed the procedures / processes involved with the dissolution of the Clayton-Winchester Fire Department (failed to turn on microphone, harder to hear).
- Extensive discussion with the board members on this issue. Automatic aid agreements will still be in effect.

**MOTION:**

Motion by: Supervisor Reif

Seconded by: Supervisor Grundman

Motion: Motion that we direct staff to move forward with the dissolution of the Clayton-Winchester Fire Department. Attorney Carlson will draft the paperwork.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye.

Supervisor Grundman: Aye.

Supervisor Lettau: Aye.

Supervisor Reif: Aye.

Chair Geise: Aye.

Motion carried by unanimous consent.

- B. Discussion/Action: Town Board review and consideration of authorizing staff to complete an Environmental Improvement Fund, Intent to Apply Document for the State's Cleanwater Fund Program.

Attached please find copies of information relative to the State's Cleanwater Fund Program and Safe Drinking Water Fund Program. Both of these programs would be used for the extension of municipal sanitary sewer and municipal water systems in the Town. Both programs require an Intent to Apply Document in order to qualify for the program. The Administration would like to complete the Intent to Apply Documents and submit them to the State as soon as possible so that they do not get lost in the process. These documents do not commit the Town to any application or process they are simply required to start the application and funding process. The Town's financial advisor is scheduled to attend the Board's Wednesday, July 1<sup>st</sup>, 2015 meeting to review the Town's funding options for extending utilities on the eastern side of the Town. He will review the Town's funding options including the Cleanwater Fund Program and Safe Drinking Water Fund Program. Should the Board agree with the Administration's request, a motion would be in order to authorize staff to complete the Environmental Improvement Fund, Intent to Apply Documents for the State's Cleanwater Fund Program and for the State's Safe Drinking Water Fund Program.

Approved by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of authorizing staff to complete an Environmental Improvement Fund, Intent to Apply Document for the State’s Safe Drinking Water Fund Program.

Attached please find copies of information relative to the State’s Cleanwater Fund Program and Safe Drinking Water Fund Program. Both of these programs would be used for the extension of municipal sanitary sewer and municipal water systems in the Town. Both programs require an Intent to Apply Document in order to qualify for the program. The Administration would like to complete the Intent to Apply Documents and submit them to the State as soon as possible so that they do not get lost in the process. These documents do not commit the Town to any application or process they are simply required to start the application and funding process. The Town’s financial advisor is scheduled to attend the Board’s Wednesday, July 1<sup>st</sup>, 2015 meeting to review the Town’s funding options for extending utilities on the eastern side of the Town. He will review the Town’s funding options including the Cleanwater Fund Program and Safe Drinking Water Fund Program. Should the Board agree with the Administration’s request, a motion would be in order to authorize staff to complete the Environmental Improvement Fund, Intent to Apply Documents for the State’s Cleanwater Fund Program and for the State’s Safe Drinking Water Fund Program.

Approved by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of a staff report on the number of R-2 (Suburban Residential District) lots available for development in the Town of Clayton.

Attached please find copies of the Plat Maps for the R-2 (Suburban Residential District) Plats in the Town of Clayton, the highlights on the Plat Maps have the following meanings:

1. A yellow highlight indicates that the Lot is not developed.
2. A yellow highlight with a blue dot indicates that the available Lot is owned by the adjoining property owner.
3. A blue highlight indicates that the Plat has been approved by the Town but not developed.

When considering the following information please keep in mind the following points:

1. That the Town has been building new homes at a rate of 15 to 20+/- per year for the past three years.
2. That it takes 18 to 24 months to take a development project from a concept to a sellable product.
3. That it takes 12 to 18 months to engineer and construct a subdivision once it is approved by the required regulatory agencies.
4. That the bulk of the available Lots in the Town of Clayton are in the Plats of Strawberry Estates (9) and Berry Bramble Estates (10).
5. That both the Plat of Strawberry Estates and the Plat of Berry Bramble Estates are high end developments (\$500,000.00 +/- homes).
6. That, by Policy, the Town has limited the low end value of development in the Town to \$250,000.00.
7. That the purchase of real property is unique in the sense that choice is not mobile.

8. That, as the choice of Lots in the Town is reduced, buyers will look for options in other communities.
9. That, as high end buyers are strongly motivated by likes and dislikes and not specific communities, they will purchase what they like no matter where it is as long as it meets their needs.
10. That as the supply goes down, buyers will look for choice elsewhere.
11. That, barring a referendum or borrowing for operations, the only way the Town can increase its revenue stream is by net new growth.

The State has limited the Town's options relative to its revenue stream. The Town can call a referendum to ask the residents for permission to raise the tax levy for operations. The Town can borrow and then raise the debt service levy to fund ongoing operations. Or the Town can increase its levy by the amount generated by the municipal mill rate on the net new growth in the preceding calendar year. In order to keep the status quo Developers will need to create additional Lots that are comparable to the existing Lots. In order to provide for a more well- rounded community, the Town may wish to consider high value added industrial development, high value added commercial development and more densely planned residential development. The key to these types of development is the provision of municipal sanitary sewer and municipal water. As the Board will be discussing these issues over the course of the next several Town Board meetings, it may wish to fold the discussion on existing development in the Town into those conversations.

- Administrator Johnston discussed the lots that are currently left to be sold and for new homes to be built in the Town of Clayton. The lots would be easier to sell if the Town of Clayton would have sewer and water offered to the residents.
- Mark Luebke, 3929 County Road II, Neenah, WI. Lengthy discussion on the costs associated with adding subdivisions in the Town of Clayton.

#### **NO ACTION TAKEN**

- E. Discussion/Action: Town Board review and consideration of staff's recommendations for updating the Town's 5-year Capital Reconstruction Plan for the Town of Clayton road network.

Attached please find copies of the following documents:

1. A copy of the Town's CY 2014 5-Year Capital Reconstruction Plan.
2. A CY 2015 draft update of the Town's 5-Year Capital Reconstruction Plan.
3. Copies of the Debt Service Schedules for the Town's outstanding loans.
4. A document recording historic project costs on a per mile basis.

These documents were used to revise and update the CY 2015 5-Year Capital Reconstruction Plan. The Administration has used input from residents when updating the Plan along with traffic counts and staff's anecdotal understanding of the traffic patterns on the Town's Roads. Specifically, the Administration put the portion of Breezewood Lane that is in the Town's maintenance line on the project list for CY 2020. This road was selected based on traffic patterns today and projected future traffic patterns. Should the Board wish to recommend alternate projects for CY 2020 please provide staff with a list of those roads. The Administration has noticed that there are several older residential developments in the Town where the roads are nearing the end of their functional lives. Given the significant difference in the costs of reconstructing town roads vs. subdivision roads the Administration would like to recommend that the Board split its 5-Year Capital

Reconstruction Plan into two elements, the first being subdivision roads and the second being mile roads. This process will allow the Board to better understand the cost assignments and will allow staff to schedule and coordinate ditch maintenance work with capital reconstruction work. Specifically, in anticipation of road reconstruction in a subdivision Town staff can install drain tiles and reconstruct ditches as maintenance work prior to replacing the asphalt road surface. In the case of the mile roads the Town would contract for the ditching and resurfacing without the installation of drain tile in the roadside ditches. Ultimately, the Administration is concerned with the amount of deferred work needed and the cost of trying to recover from years of not doing enough maintenance. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the revisions to the Town's 5-Year Capital Reconstruction Plan and to direct the Administration to split the Plan into two elements reflecting the Town's subdivision roads and the Town's mile roads.

- Administrator Johnston discussed the CY 2015 5-Year Capital Reconstruction Plan. Using traffic counters to monitor how much traffic has increased over the years.

Approved by unanimous consent.

- F. Discussion/Action: Town Board review and consideration of staff's recommendations for updating the Town's 5-year Capital Maintenance Plan for the Town of Clayton road network.

At this time the Town does not have a formal 5-Year Maintenance Plan, staff simply provides the Board with a list of projects that it is recommending for the next calendar year. At this time staff is recommending that the Board plan on double chip sealing the following roads:

1. North Loop Road from the west town line to Medina Junction (approximately 4600 feet).
2. Medina Junction from Fairview Road to North Loop Road (approximately 3900 feet).
3. Hickory Avenue from CTH "II" to the USH "10" bridge ramp (approximately 3200 feet).

The total distance is approximately 11,700 feet or 2.25 miles. Using recent projects costs for double chip sealing of \$52,800 per mile, the cost estimate for the work is \$118,800.00 plus the costs of the proposed concrete curb returns estimated at \$15,000.00 for an estimated total project cost of \$133,800.00. If the Board agrees with this process staff will budget sufficient funding to do the work in the Town's CY 2016 Public Works Budget. Relative to the crack filling and line striping, staff will present those projects to the Board in Spring of CY 2016. The Administration would like to recommend to the Board that staff be directed to work on completing the ditching and drain tile installation in the Plat of Sunburst Estates in CY 2016 and 2017; this will allow the Town to pulverize and repave the roads in the Plat in CY 2019. The Administration would like to generate a 5-year plan for the Board's approval in spring of CY 2016. If the Board agrees, a motion would be in order to direct staff to fund the CY 2016 chip sealing projects, continue with the ditching project in Sunburst Estates and generate a formal 5-Year Maintenance Plan as described. Approved by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of staff's recommendation for the Town's CY 2016 County Bridge Aids Project.

Attached, please find a copy of a letter from the County Highway Commissioner, Ernest Winters, relative to the County's CY 2016 Bridge Aids Projects. The County is asking the Town to identify and provide estimated costs for the Town's CY 2016 Bridge Aids Projects. In CY 2016 the Town is scheduled to reconstruct Clayton Avenue from CTH "II" to the Town of Neenah's maintenance line which is just short of Larsen Road. Staff has looked at the area and does not believe that there would be any benefit to making a County Bridge Aids Program application for the culverts in the project area. However, staff does have a project that would qualify for the County's CY 2017 Bridge Aids Program. That project is on Oakridge Road east of STH "76". The only reason the project is being pushed off to CY 2017 is for planning and work scheduling concerns. If the Board agrees with the Administration's recommendation, direction to staff to proceed with the project schedule, as designed, would be in order.

#### **NO ACTION TAKEN**

- H. Discussion/Action: Town Board review and consideration of a report from staff on the process of contracting for Animal Shelter services for the Town of Clayton.

The Administration wants to update the Board on the Animal Control Contract. Please be advised that because of a series of pressing issues with liquor licenses and long range planning efforts, staff has not made much headway on the Animal Control Contract. The Administration will concentrate on the process and have a recommended solution for the process ready for the Board's Wednesday, June 17<sup>th</sup>, 2015 meeting. Please accept our apologies for the delay in providing the Board with options for the issue.

#### **NO ACTION TAKEN**

#### Town Board Reorganizational Business:

- XI. Additional Appointments
- A. Zoning Board of Appeals: (2 positions serving 3-year term each with all terms effective May 1<sup>st</sup>, of the calendar year.
- i. Name to be presented by the Town Chair
    - Chair Geise nominated Mark Luebke for a 3-year term effective May 1<sup>st</sup> of 2015.
    - Approved per unanimous consent
  - ii. Name to be presented by the Town Chair
    - Chair Geise nominated Mark Luebke for a 3-year term effective May 1<sup>st</sup> of 2015.
    - Approved per unanimous consent
- XII. Upcoming Meeting Attendance:
- Joint Town Board, Plan Commission and Green Space Committee meeting is June 10, 2015
- XIII. Board Member Requests for Future Agenda Items:
- XIV. Review of Disbursements:

XV. Adjournment:

**MOTION:**

Motion made by unanimous consent to Adjourn at 8:37 p.m.

Respectfully submitted,

Laurie Goffard, Deputy Clerk