

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, June 17<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 Geise called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance was 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 – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	ABSENT
Planner – Ken Jaworski	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, June 3<sup>rd</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, June 3<sup>rd</sup>, 2015.

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

V. Correspondence:

- A. None.

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

A. County Supervisor Report

- Chuck Farrey reported that on Tuesday night June 16th, 2015 the County Board approved Resolution 181 dealing with the setbacks in the shore land zoning are.

B. Winnebago County Sheriff's Department – Public Concerns and Issues

C. Clayton-Winchester Fire Department

- Chief Rieckmann reporting.
  - Fill the boot raised \$2,000 on one Friday night.
  - ClaytonFest participation discussed.
  - Training with the Jaws of Life.
  - Prospective new members are 4 which would then be a total of 37 active members.
- D. Larsen-Winchester Sanitary District
- E. Administration Comments
- Engineer Miller gave an update on 4 projects.
  - Chip sealing projects are scheduled to start in July 2015.
  - Administrator Johnston discussed the nominal change order to remove a tree on the Oakcrest.

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Jessica Darrah
- ii. Cheryl Bruce
- iii. Kevin Buss (Drifters)
- iv. Alicia Cullen
- v. Emily Skaer

B. Renewal:

- i. Ashley Maloney
- ii. Ron Cosgrove

C. Administrator Johnston update to the Board on the CY 2015/16 Cigarette and Liquor License Renewals.

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 request by Applicants Wendy A. and Robert L. Good, 7853 CTR “T” Larsen, WI 54947, specifically identified as Tax ID# 006-0740-02-01 in Section 29, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin for input by the Town of Clayton on a Variance Application from the strict interpretation of the County Ordinance Chapter 7 (Traffic Code), Section 7.14 (Driveway Access to County Trunk Highways); specifically, the application is for a driveway access with less than the required 600-foot separation.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Reif

Motion: To approve the Variance Application of Robert and Wendy Good as stated above.

Motion carried by unanimous consent.

- B. Plan Commission recommendation to the Town Board on a request by Joe and Lea Keesler for a conceptual approval of a plan for subdividing property located at 2596 Oakridge Road, Neenah, WI 54956, specifically identified as Tax ID # 006-0653-04, Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin for the purposes of converting an existing garage into a house while they plan and build their home over the course of the next few years (3 to 5 Years).

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve the conceptual approval of a plan for subdividing property located at 2596 Oakridge Road, Neenah, WI 54956 that is proposed to be purchased by Joe and Lea Keesler.

Motion carried by unanimous consent.

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 Resolution # 2015-007 A Resolution to seek a Court Order to dissolve the Clayton/Winchester Joint Fire Board and the Joint Clayton/Winchester Joint Fire Department.

Attached please find a draft copy of Resolution # 2015-007. The document was drafted by the Town's Attorney who will be in attendance at the Board's meeting to answer any questions relative to the Resolution and/or the process he expects to follow as the Board moves forward with the possible dissolution of the Clayton/Winchester Joint Fire Board and the Clayton/Winchester Fire Department. The Administration and the Chief of the Clayton/Winchester Fire Department are comfortable that the Town can provide comparable fire protection services to the Town of Clayton residents as a stand-alone Department. If the Board wishes to move forward with the process, a motion would be in order to approve Resolution # 2015-007 a Resolution to seek a Court Order to dissolve the Clayton/Winchester Joint Fire Board and the Joint Clayton/Winchester Joint Fire Department. Please be advised that staff is working to confirm with certainty that the numbers used in the Resolution are accurate and therefore you may find a corrected Resolution on your desk on Wednesday, June 17<sup>th</sup>, 2015.

- Supervisor Lettau asked about the equipment/apparatus that is currently being used
- Chair Geise explained that the division of the Department's assets is an issue that would follow the approval of proposed Resolution 2015-007 answering Supervisor Lettau's question.
- Supervisor Reif asked about what would happen to the Joint Fire Board.

**MOTION:**

Motion by: Chair Geise

Seconded by: Supervisor Grundman

Motion: To approve Resolution #2015-007 and to direct staff to publish the Document as required by law.

**Chair requested roll call vote:**

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Reif: Aye

Chair Geise: Aye

Motion carried by unanimous roll call vote.

- 10 minute recess before Cedar Corporation presentation.

B. Discussion/Action: Town Board review and consideration of the presentation of a study by the Town's Contract Engineer, Cedar Corporation, on the provision of Municipal Water and Municipal Sanitary Sewer Utilities to certain areas on the east side of the Town of Clayton.

Attached please find a copy of the report generated by Cedar Corporation on the provision of both municipal water and municipal sanitary sewer to the east side of the Town of Clayton. The costs estimates in the report are significant and the financing options will be reviewed with the Town's financial consultant at the Board's July 1<sup>st</sup>, 2015 meeting. Please be advised that the costs discussed in the study are for phases of development and are given in a generalized form, the Town will likely incur significant upfront costs for the phases needed to protect the integrity of the Town. However, those costs will likely be recovered over time from the development in the area and the operations of the utilities. Specifically, developers will be special assessed for the cost of the utility public infrastructure in much the same way they are assessed for the construction of roads and storm water management infrastructure. The report covers an extensive area and significant development, the Administration expects to concentrate on providing those utilities that will protect the Town's integrity, generate high value added development and provide the utilities with customer revenue. Representatives from Cedar Corporation will present the report to the Board and answer any questions that arise. The Board will need to direct staff on how to move forward, the Administration is recommending that the Board take the following steps:

1. Review the Town's general financing options with the Town's Financial Consultant.
2. Meet with area communities to discuss any options for cooperative services that are available.
3. Identify the most critical areas where the provision of municipal sanitary sewer and municipal water will protect the integrity of the Town.
4. Develop detailed plans for the provision of municipal sanitary sewer and municipal water to those critical areas.
5. Develop costs for providing municipal sanitary sewer and municipal water to those critical areas.
6. Contract for design and construction engineering for the projects in those critical areas.

Should the Board agree with the Administration's recommendations, a motion would be in order to accept the report as presented and to direct the Town Chair and the Town Administrator to proceed with the next steps in the project. Please be advised that the Board will not be committing the Town any additional expenses without prior approval.

- A comprehensive presentation of the study was given by Dean Zanon from Cedar Corporation including both the Sanitary Sewer Utility Study and the Water Utility Study.
- Robert Good, 7853 CTR "T" Larsen, WI 54947. Asked for a point of contact for inquiry about the study.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: To accept/move forward with the study by the Town's Contract Engineer, Cedar Corporation, on the provision of Municipal Water and Municipal Sanitary Sewer Utilities to certain areas on the east side of the Town of Clayton pursuant to staff recommendations.

Motion carried by unanimous consent.

- C. Discussion/Action: Town Board review and consideration of a Contract for the provision of Animal Acceptance and Maintenance services for the Town of Clayton.

Attached please find a draft copy of an Animal Acceptance and Maintenance Contract with the Oshkosh Area Humane Society (OSHA). Staff has contacted the Fox Valley Humane Association; however, we were unable to get a response on a contract for services. At this time it is in the Town's best interest to have a contract for animal control purposes and OSHA has provided a draft contract that serves the Town's needs. Specifically, the only individuals that can authorize the impoundment of an animal at the Town's expense are the Town Constable, the Town Animal Control Officer, and the Town Administrator, this should solve the problem of residents taking animals for impoundment without limiting their option to call the Town and ask it to authorize the service. The cost for the service in this contract is in the same range as the Town's previous contracts and is within the Town's Budget as long as the use is controlled. If the Board agrees with the Administration's recommendation a motion would be in order to approve the Contract for the provision of Animal Acceptance and Maintenance services for the Town of Clayton with the Oshkosh Area Humane Society for the balance of CY 2015.

Approved by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of Pay Request No. 1 from MCC, Inc. for the Town's CY 2015 Capital Construction Projects. Attached, please find a copy of Pay Request # 1 in the amount of \$58,632.62, submitted by MCC, Inc., 2600 North Roemer Road, Appleton, WI 54912-1137. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid. Once the Board approves the Pay Request, staff will make the payment for the final lift of asphalt on the Fox Valley Asphalt project. Please be advised that at the Contractor's request staff is recommending that the Town release the retainage on this portion of the project; staff has agreed to the request because the work on the Fox Valley Asphalt project is complete. If the Board is comfortable with staff's recommendation, a motion would be in order to approve the pay request in the amount of \$58,632.62 and to direct the Treasurer to make the payment to MCC, Inc., 2600 North Roemer Road, Appleton, WI 54912-1137. Additionally, the Board should direct staff to start the Special Assessment of the project costs to Fox Valley Asphalt with the intent to place the debt on the firm's CY 2015 taxes payable in CY 2016.

- Discussion regarding payment to MCC, Inc. for the Town's CY 2015 Capital Construction Projects.

**MOTION:**

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: To approve Pay Request # 1 in the amount of \$58,632.62, submitted by MCC, Inc., 2600 North Roemer Road, Appleton, WI 54912-1137.

Motion carried by unanimous consent.

- E. Discussion/Action: Town Board review and consideration of a Final Draft of the Intermunicipal Agreement Between the Town of Clayton, the Town of Vinland, and the Town of Winneconne for Building Inspection Services to be provided by the Town of Clayton's Building Inspector.

Attached please find a red line copy of the draft Intermunicipal Agreement between the Town of Clayton, the Town of Vinland, and the Town of Winneconne for Building Inspection Services to be provided by the Town of Clayton's Building Inspector. Following the Board's approval of the draft document the Administration submitted the document to the Town of Vinland and the Town of Winneconne for their approval. The changes requested by both communities are highlighted in red and blue, the Administration has no problems with the requested changes and clarifications. If the Board agrees with the Administration's recommendation to incorporate the proposed changes into the document, a motion would be in order to direct staff to make the proposed changes and submit the document to the Town of Vinland and the Town of Winneconne for their final approval. Once the Administration has received the finalized document it will be presented to the Board for final approval along with the Building Inspector's Job Description and the Employment Agreement for the position with an expected starting date of Monday, August 3<sup>rd</sup>, 2015.

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To approve the Final Draft of the Intermunicipal Agreement between the Town of Clayton, the Town of Vinland, and the Town of Winneconne for Building Inspection Services to be provided by the Town of Clayton's Building Inspector.

Motion carried by unanimous consent.

Town Board Reorganizational Business:

XI. Additional Appointments

A. Zoning Board of Appeals: (1 position serving 3-year term with all terms effective May 1<sup>st</sup>, of the calendar year.)

i. Name to be presented by the Town Chair

- The Chair submitted the name of Terry Klingenberger to be appointed to the Zoning Board of Appeals to serve a 3-year term with all terms effective May 1, 2015.

Approved by unanimous consent.

XII. Upcoming Meeting Attendance:

Joint Fire Board meeting June 22, 2015 at 7:00 p.m. in Winchester.

XIII. Board Member Requests for Future Agenda Items:

XIV. Review of Disbursements:

XV. Adjournment:

**MOTION:** to adjourn at 8:53 p.m. was approved by unanimous consent.

Respectfully submitted,

Laurie Goffard, Deputy Clerk