

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, July 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	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

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

- A. Presentation by Eric W. Fowle, AICP - Executive Director, East Central Wisconsin Regional Planning Commission and Manny Vasquez, VP of Economic Development, Fox Cities Regional Partnership on the goals of Initiative 41; these goals are to create a new way of thinking by fostering an atmosphere focused on a regional approach to economic collaboration, with an understanding by community residents, business, and elected leaders that the region is interconnected and that economic success in one community is an economic success for all of the region's communities.

Attached please find a copy of a letter from Cindy Wojtczak, Executive Director of the Bay-Lake Regional Planning Commission (Cindy), and Eric Fowle, Executive Director of the East Central Regional Planning Commission (Eric), to Manny Vasquez, Vice President of Economic Development for the Fox Cities Regional Partnership (Manny). The letter outlines the "Initiative 41" program and its purposes. Both Eric and Manny will be in attendance at the Board's Wednesday, July 20th, 2016 meeting to make a brief presentation on "Initiative 41" to the Board and those residents who are present. The presentation consists of a 20-minute Power Point presentation and a question and answer period. Staff will have any materials provided by Eric and Manny ready to distribute to the Board and residents.

- Eric Fowle presenting Initiative 41.

- Discussed regional impact of defense manufacturing and the layoffs for Oshkosh Corporation in 2012. Many jobs were cut at that time which was a \$91 million impact on the community.
- Discussed the defense grant and project plan developed with grant money.
- Discussed the survey of the economic diversity of our region.
- Discussed the findings of the survey/research.
- Discussed Initiative 41 and how the Town officials can engage in economic development in our region.
- Manny Vasquez discussed the Fox Valley Regional Partnership.
- Discussed components of the Fox Valley Regional Partnership.
- Discussed marketing of the I-41 corridor for economic development/business recruitment. Many people come within the surrounding four counties for jobs in this area. There is also a video available at the website: www.initiative41.org.
- Public hearing closed at 7:25 p.m.
- Deputy Ripple from the Winnebago County Sheriff's Department appeared and was discussing the issues at Clayton Park with people making noise after park is closed.
- Meeting re-opened at 7:27 p.m.

- B. The Town of Clayton will hold a Public Hearing on the proposed approval of the CY 2015/16 Update to the Town's Comprehensive Plan. If you cannot attend the Public Hearing, you may submit written comments to the Town Clerk on or before the date of the Public Hearing.

Attached please find a Draft copy of the Town's CY 2015/16 Comprehensive Plan Update as well as a copy of the Plan Commission's proposed addition of Society, Technology, Economy, Environment, and Politics (STEPP) "Reference Guide" to the update to the Town of Clayton's Comprehensive Plan. Following the Public Hearing the Board will consider the first reading of Ordinance 2016-005 an Ordinance adopting the CY 2015/16 Update to the Town's Comprehensive Plan. The Administration is recommending that the Board forward Ordinance 2016-005 to a second reading at its Wednesday, August 3rd, 2016 Town Board meeting. If the Board agrees with the Administration's recommendation, a motion would be in order to forward Ordinance 2016-005 to a second reading at its Wednesday, August 3rd, 2016 Town Board meeting. Additionally, the Board should direct staff to include any changes it would like to incorporate from the input given at the Public Hearing.

- Supervisor Lettau advised that a resident contacted her and requesting that his land be put into the working lands.
- This Public Hearing closed at 7:28 p.m.

- C. The Town of Clayton will hold a Public Hearing on the proposed creation of a Special Assessment Ordinance for the Town of Clayton. Copies of the proposed Ordinance are available at the Town Hall located at 8348 CTR "T", Larsen WI 54947, or by contacting the Town Clerk at (920) 836-2007. If you cannot attend the Public Hearing, you may submit written comments to the Town Clerk on or before the date of the Public Hearing.

Attached please find a Draft copy of the Town's Special Assessment Policy as well as a copy of Ordinance 2016-004 An Ordinance Creating A Special Assessment Policy for the Town of Clayton. Following the Public Hearing the Board will consider the first reading of Ordinance 2016-004 An Ordinance Creating A Special Assessment Policy for the Town of Clayton. The Administration is recommending that the Board forward Ordinance 2016-004 to a second reading at its Wednesday, August 3rd, 2016 Town Board meeting. If the Board agrees with the

Administration's recommendation, a motion would be in order to forward Ordinance 2016-004 to a second reading at its Wednesday, August 3rd, 2016 Town Board meeting. Additionally, the Board should direct staff to include any changes it would like to incorporate from the input given at the Public Hearing.

- Public Hearing opened at 7:29 p.m.
- Chair Geise requested comments from the Public and this hearing was closed at 7:30 p.m.

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, June 15th, 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, June 15th, 2016.

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

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

- No appearance.

V. Correspondence:

- A. Wisconsin City Management Association e-mail inquiry on Illegal Yard Waste Dumping Fines.
- Administrator discussed that in order to issue citations for illegal dumping an ordinance needs to be in place. Eventually the Town of Clayton will install cameras in this area.
- B. Letter presented by Chief Rieckmann.
- C. Five Star Plumbing Services memorandum.
- D. Supervisor Lettau reported on the solid waste report from Winnebago County.

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
- Mary Jo Miller reported on the current projects in the Town of Clayton which are Whispering Meadows (grading ditches and doing seeing), Clayton Avenue (about halfway down the road is done) and Hickory Avenue (culvert replacement started).
 - Discussed Chapter 30 permit for navigable waterway between Oakwood and Pioneer.
 - Administrator Johnston discussed the status of the projects. The Chapter 30 permit is not for farm properties.

- Treasurer Straw reported that she finished her four years for the Clerk's/Treasurer's Institute. She will be applying for certification to be a municipal clerk. Mike Konecny visited the office to help with details of the audit.
- Chair Geise discussed recent meetings.
- Supervisor Grundman asked if we can start anything for the Clayton Sanitary District.
- Supervisor Reif discussed issues with the Village of Fox Crossing.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Mykenna Polacheck
 - ii. Shawn Klemens
- B. Renewal:
 - i. Ryan Schmitt
 - ii. Trent Wohlrabe

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 development concept plan for the Struensee properties located at 3023 Winnegamie Drive, specifically identified as Tax ID# 006-0022 and Tax ID# 006-0021, located in Section 34, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - NO ACTION TAKEN.
- B. Plan Commission recommendation to the Town Board on a development concept plan for the Moran property located adjacent to 3431 Winnegamie Drive, specifically identified as Tax ID# 006 0042-02, located in Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - NO ACTION TAKEN.
- C. Plan Commission recommendation to the Town Board on a Certified Survey Map concept plan for the Sturgis property located at 8326 Pioneer Road, specifically identified as Tax ID# 006-0565, located in Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - The Plan Commission recommends the “squared off” version of options.
 - NO ACTION TAKEN.
- D. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) Application submitted by Jeffrey S. and Jon R. Freier, 8504 Winncrest Road, Neenah, WI 54956, for properties located at 8405 Winncrest Road and specifically described as Tax ID # 006-1049 and Tax ID # 006-1050, being all of Lots 41 and 42 of Winn-Crest Plat, and located in the southwest ¼ of the southwest ¼ of Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: To approve and refer the Certified Survey Map (CSM) Application submitted by Jeffrey S. and Jon R. Freier, 8504 Winncrest Road, Neenah,

WI 54956, for properties located at 8405 Winncrest Road, specifically described as Tax ID # 006-1049 and Tax ID # 006 1050, being all of Lots 41 and 42 of Winn-Crest Plat, to the Town Board with the additional staff recommendations.

Vote: Motion carried.

Town Board Action: The Town Board approved the Plan Commission’s recommendation to approve the CSM by unanimous consent.

E. Plan Commission recommendation to the Town Board on including documentation on Society, Technology, Economy, Environment, and Politics (STEEP) as an appendix in the Town CY 2015/16 Update to the Town’s Comprehensive Plan.

- Plan Commission recommends adding the STEEP document as “additional information / reference” in the CY 2015/16 Comprehensive Plan Update.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: To approve adding the STEEP document to the Town’s CY 201/16 Comprehensive Plan Update as a “Reference Guide” for an update to the Town of Clayton’s Comprehensive Plan.

Vote: Motion carried

Town Board Action: The Town Board Approved the Plan Commission’s recommendation 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):

Business

A. Green Space Committee Action:

Green Space Committee recommendation to the Town Board on a proposal to grade the Friendship Trail from the west Town Line to the Trail’s intersection with the WIOUWASH Trail.

MOTION:

Motion by: Committee Member: Dorow

Second by: Committee Member: Brown

Motion: To request Town Board approval of payment of \$2,000 for Sommers Construction to grade the Friendship trail in the area from the west Town Line to the Trail’s intersection with the WIOUWASH Trail with funding to come from the Town’s CY 2016 Friendship Trail Maintenance Account.

Vote: Carried by unanimous voice vote

Town Board Action: The Town Board approved by unanimous consent having Summers Construction do the grading for a cost not to exceed \$2,000.

B. Green Space Committee Action:

Green Space Committee recommendation to the Town Board on the proposed enclosure of the roadside ditch on the south side of Larsen Road for approximately 500 feet from its intersection with STH “76”.

MOTION:

Motion by: Committee Member: Dorow

Second by: Committee Member: Grundman

Motion: To request Town Board approval of closing the ditch in this area and improvement of the trail with funding to come from the Town’s Storm Water Management Utility.

Vote: Carried by unanimous voice vote

Town Board Action: The Town Boars approved the project by unanimous consent.

X. Business:

A. Discussion/Action: Town Board review and consideration of the first reading of Ordinance 2016-005 an Ordinance adopting the CY 2015/16 Update to the Town’s Comprehensive Plan.

- See II (B) for more information.
- Discussed the Comprehensive Plan map relative to the first map of the Comprehensive Plan. Second reading to be held on August 17th, 2016. Supervisor Lettau requested larger maps.

B. Discussion/Action: Town Board review and consideration of the first reading of Ordinance 2016-004 an Ordinance creating a Special Assessment Policy for the Town of Clayton.

- See II (C) for more information.
- The second reading is set for the August 3rd, 2016 meeting. Administrator Johnston advises the Town Board to have the Public Hearing on August 3rd, 2016.
- NO ACTION TAKEN.

C. Discussion/Action: Town Board review and consideration of Resolution 2016-005 a Resolution Urging the Governor and the State Legislature to increase funding for the maintenance and repair of the State’s road network.

Attached please find a Draft copy of Resolution 2016-005 a Resolution Urging the Governor and the State Legislature to increase funding for the maintenance and repair of the State’s road network. The Wisconsin Towns Association has partnered with the Counties, Cities, and Villages to develop a Resolution that all units of municipal government can support; the Towns Association is asking that all town boards adopt the Resolution in July or August. The Towns Association plans on combining all 1200+ town resolutions and delivering a packet of almost 2,000 resolutions to the Governor this fall. If you’ve been watching the news in recent weeks, the Governor has indicated 3 times in 3 weeks that there will be no new funding for roads without a tax decrease somewhere else. The Assembly leadership has objected, while the Senate has been silent. If the Governor’s opinion prevails, given Medicaid and school funding, there will almost

certainly be no more money for roads. This Resolution is another strategy in the Towns Association lobbying effort. If the Board agrees with the Towns Association and its partners, recommendation on a motion would be in order to approve Resolution 2016-005. Additionally, the Board should direct staff to send a copy of the approved Resolution to the Towns Association, to the State Legislators and to the Governor's Office.

- Discussed the State paying and/or increasing funding for State Roads.
- Chair Geise read Resolution 2016-005 as follows:
We have Resolution 2016-005, a Resolution urging the Governor and the legislature to agree upon a funding solution for maintaining the State's roads whereas local government Wisconsin is responsible for about 90% of the road miles in the State and whereas Towns are responsible for over 50% of the road miles in the State and whereas Wisconsin's diverse economy is dependent upon County and Town roads as well as urban streets and the transit systems across the State and whereas according to filling potholes and when you look at funding local transportation in Wisconsin commissioned by the Local Government Institute of Wisconsin and the condition of Wisconsin highways is now in the bottom third of the Country and whereas according to the same research municipal transportation spending has declined from \$275 per capita in 2000 to \$227 in 2012 which is less than what it was in 1986 and whereas state funding for local roads in Wisconsin has failed to keep up with costs over the past decades which has adversely affected local transportation finances and whereas the levy limits do not allow local governments to make up for the deterioration of state funding and whereas Wisconsin's over reliance on borrowing eats away at the State segregated funding sources, the State gas tax and vehicle registration fees which increasingly pay debt service rather than fund transportation needs and whereas safety is a primary concern, responsibility to local government across Wisconsin and unfortunately according to TRIP, a national non-profit transportation research group Wisconsin had 347 Non-Interstate rural road fatalities in 2013 and whereas we recognize that all of the Interstate State and Local road systems play a vital role in the economy of Wisconsin must be properly maintained in order for our economy to grow and whereas from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost for State gas tax and the vehicle registration fees and whereas the Transportation Finance and Policy Commission appointed by the governing legislature clearly follow that if Wisconsin does not adjust its user fees the condition of both our State and local roads will deteriorate significantly over the next decade and now therefore be it resolved by the Town of Clayton Town Board to urge the governor and legislature to fix it and agree upon a solution that includes a responsible level of bonding and adjust our user fees to adequately and sustainably fund Wisconsin's transportation system and be it further resolved that the Town Board directs the Clerk to send a copy of the Resolution to Wisconsin Town's Association, our State legislatures and to Governor Scott Walker.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve Resolution 2016-005.

Chair requested roll call vote:

Supervisor Lettau: Aye

Supervisor Reif: Aye

Chair Geise: Aye

Supervisor Grundman: Aye

Supervisor Schmidt: Aye

Vote: Approved by unanimous consent.

- D. Discussion/Action: Town Board review and consideration of several discussions between the County Highway Commissioner and the Town Administrator relative to the following issues:
- a. Access to CTR “II” by Vincent and James Peters, owners of property located at 8513 Winncrest Road.
 - Discussed damage to Winncrest Road and consolidation of driveway.
 - b. Improving the signage at the intersection of STH “76” and Larsen Road.
 - Spoke with Commissioner who recommended to contact the State. Flashing stop signs were there but the State made the Town of Clayton take them down.
 - Discussed future roundabouts.
 - c. Drainage issues in the area of CTR “BB” and Clayton Avenue.
 - Discussed the problem.
 - NO ACTION TAKEN.
- E. Discussion/Action: Town Board review and consideration of a Clayton Fire Rescue, Dry-Hydrant project in the Plat of Strawberry Estates.

Attached please find a copy of a Wisconsin Department of Natural Resources (DNR) guide to planning and installing Dry Fire Hydrants. The Administration has had several discussions with the Town Chair relative to installing a dry hydrant system in the Plat of Strawberry Fields and Strawberry Estates. The conversations are based on the fact that the Public Works Department is working on the storm water management system in the area and on the belief that the Town will not have a Municipal Water System (hydrants) in the area of a majority of the rural subdivisions in the Town for a number of decades. The lack of hydrants has and will always be an issue for a rural fire department fighting a structure fire. The proposed dry hydrant system will allow a fire department to have ready access to existing water sources in the area. The Fire Chief has been working on options for the design and installation of dry hydrants in the storm water management ponds in the specified Plats. This agenda item is intended to bring the Board up to speed on the Town’s options for dry hydrants and the costs of the systems if Town staff is doing the installation of the hydrants. Specifically, the cost of the materials will vary based on the distance from the road to the source of water but will not likely exceed \$3,000.00 per hydrant unit. Additionally, the Administration would like to advise the Board that it will likely be asking the Board to make dry hydrants a requirement in rural subdivisions with wet storm water management ponds. This requirement will facilitate the installation of the dry hydrants since it will be done as part of constructing a pond when it is dry and easily accessible. The benefit to the residents is ready access to water in an emergency and the possibility of lower insurance costs. The downside to the system will be costs, maintenance and testing requirements on the Fire Department.

- Discussed the reasons to install/create a dry hydrant.
- Discussed agreements with golf courses to access their ponds. Staff is directed to research this issue further.

- F. Discussion/Action: Town Board review and consideration of a Wisconsin Residential Lease Agreement for the Town owned property located at 8879 Clayton Avenue, Neenah, WI 54956.

Attached please find a copy of a Wisconsin Residential Lease Agreement prepared by the Town's Attorney, Ashley Lehocky (Ashley), for Town owned property located at 8879 Clayton Avenue, Neenah, WI 54956. Based on an idiosyncrasy in the option to purchase, the tenants have the option of staying in the home for an undetermined period of time at a rental rate of \$645.00 per month. The rent is lower than that being paid by the tenants of the other properties the Town owns on Clayton Avenue, however, there is an existing tenant and no cost to the Town for leasing the facility. In order to terminate what is an agreement with no specified ending date the Administration is recommending that the Board approve the lease creating an ending date as well as the option of increasing the rents to market rates. The Administration believes that this option would be preferable to any legal action that would increase the costs to the Town and the workload for Town staff. Simply put, the Administration believes that, barring Ashley's recommendation to the contrary, the Town would not prevail in a legal action. If the Board is comfortable with the Administration's recommendation, a motion would be in order to approve the Wisconsin Residential Lease Agreement for the Town owned property located at 8879 Clayton Avenue, Neenah, WI 54956.

Vote: Approved by unanimous consent.

- G. Discussion/Action: Town Board review and consideration of a proposal from Treeo's to remove the trees and clear the stumps from the Town owned property located at 8328 County Road "T", Larsen, WI 54947.

Attached please find a proposal from Treeo's to clear and stump the back of the Town owned property located at 8328 County Road "T", Larsen, WI 54947 for a cost of \$9,720.00. At the Administration's request the owner has indicated that he would give the Town a 10% discount on the quoted price. The Town purchased the site with the intent to re-locate the Town's Yard Waste Site to the property. Staff has worked on improving the operations of the Yard Waste Site in its present location; the Administration believes that the next logical step is to move the site to the property purchased for that purpose. In order to accomplish this goal the site needs to be cleared and filled. This proposal will accomplish the first step in the process as the material for filling the site is being stored on the current Yard Waste property. The Town operates the Yard Waste Site as part of the Solid Waste and Recycling Special Revenue Fund, should the Board wish to proceed with the project the funding will come from that fund. The final step in the relocation process will be dealing with the purchase/exchange of properties with the Clauson family. If the Board agrees with the Administration's recommendation, a motion would be in order to approve the Treeo's proposal for clearing and stumping the Town owned property located at 8328 County Road "T", Larsen, WI 54947 at a cost not to exceed \$8,748.00, which includes the 10% discount offered, with the funding to come from the Solid Waste and Recycling Special Revenue Fund.

Vote: Approved by unanimous consent with the cost not to exceed \$8,748. Administrator Johnston will try to negotiate this amount to a lower fee.

- H. Discussion/Action: Town Board review and consideration of a Request For Proposals (RFP) for a visioning project for the area of the Town of Clayton defined by the Clayton Sanitary District #1.

Attached, under a confidential cover, please find a copy of the Request For Proposals (RFP) for a visioning project for the area of the Town of Clayton defined by the Clayton Sanitary District #1.

The Administration is providing the document under a confidential cover because the Town Engineering Firm is one of the recipients of the RFP and should not be given a preferential treatment by receiving the document early. The Administration is asking the Board to review the document and ask any questions it may have or clarifications it may need. The RFP is intended to produce a final product that has three elements, these elements are:

1. A vision presentation for the area based on public input, the Town's Comprehensive Plan as updated, the Town's Zoning Code of Ordinances, the Town's Municipal Sanitary Sewer Utility Services, the Town's Municipal Water Utility Services, the Outagamie County Airport Overlay District restrictions, State Planning and State Development Organizations, and any and all Public/Private partnership programs available to the Town.
2. A detailed plan including financing options for implementing the vision.
3. A detailed plan for marketing the vision including financing, residential development, and commercial development contacts.
 - Direct staff to issue the Visioning Request for Proposal for the area of Clayton Sanitary District #1.

XI. Review of Disbursements:

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

XIII. Upcoming Meeting Attendance:

- Supervisor Grundman inquired relative to the pictures of a residence on Carden Lane.

XIV. Board Member Requests for Future Agenda Items:

XV. Adjournment:

MOTION: To Adjourn at 8:35 p.m. by unanimous consent.

Respectfully submitted,
Laurie Goffard, Deputy Clerk