

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, September 2nd, 2015

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):

III. Approval of Minutes:

- A. Approval of the Minutes of the Regular Town Board Meeting held at 7:00 P.M. on Wednesday, August 19th, 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, August 19th, 2015.

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

V. Correspondence:

- A. Winnebago County Solid waste Tonnage Report for July of CY 2015.
- B. August Settlement Report for CY 2014 Taxes Payable in CY 2015.
- C. Town of Neenah article regarding being tough on nuisances.
- D. Clayton Building Permit list for August of 2015.
- E. Wisconsin Town's Association mail.
- F. DNR ranking of grant.

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

- A. County Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 - Deputy Johnson commented on a John Deere Gator going up and down County Road II without a slow moving vehicle assigned to the vehicle.
- C. Clayton-Winchester Fire Department
- D. Larsen-Winchester Sanitary District
 - Chair Geise updated the Board and Richard and Russ' presence at the Larsen-Winchester Sanitary District meeting.
 - Administrator Johnston explained the incident regarding the Larsen-Winchester Sanitary District and the Town of Clayton Sanitary District study.
 - Supervisor Lettau asked about the City of Appleton option to provide water to the Town of Clayton. Chair Geise and Administrator Johnston stated that the City of Appleton has an overabundance of water and would consider sharing.
- E. Administration Comments
 - Engineer Miller apologized for the incident. She updated the Town Board on the status of the Capital Improvement Projects.
 - Administrator Johnston is currently working on the budget in preparation of the budget meetings. Meeting with Chief Rieckmann for Clayton Fire Department budget. Reviewed budget topics for the first budget meeting.
 - Treasurer Straw discussed the status of the GovPay.net software to be used for collection of fees by the Town of Clayton by credit card. Trying to update the cemetery information as time permits.

VII. Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. Jesse Konkle
 - ii. Kimberly Brown
 - iii. Bridget Buss
- 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. 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. Attached please find copies of the State Statutes relating to the creation and the adjustment of the boundaries of a Town Sanitary District. Also attached is a copy of the a map showing the existing boundaries of the Town of Clayton Sanitary District #1 and the proposed adjusted boundaries for the Sanitary District. The adjusted boundaries recommended by staff mirror the boundaries of Study Area 1 (black boundary line) in the report on Municipal Sanitary Sewer and Municipal Water Utility recently presented by

Cedar Corporation. Staff will be placing the Class 2 Public Notice of the Board's pending action in the Appleton Post-Crescent on Wednesday, September 2nd, 2015 and Wednesday, September 9th, 2015. Additionally, a letter will go out to all of the residents in the area that are in the Sanitary District, to those who will be added to the Sanitary District and to those who will be removed from the Sanitary District. The Administration has placed this item on the Board's agenda in order to advise the Board of the pending action and to provide the Board with information relating to the issue.

NO ACTION TAKEN.

- B. Attached please find copies of the most recent e-mail relative to the issue. In his e-mail Mr. Lasee indicates that he will have the fence in place by the end of the month; staff has confirmed this schedule with the fencing contractor. Relative to Mr. Lasee's last e-mail dated August 26th, 2015 both the Town Chair and the Administration believe that any response from the Town should come from Town Attorney Lehocky (Ashley). Ashley has indicated that she will respond to Mr. Lasee's e-mail, however, she believes that the response should be short and limited to factual issues. The Administration is of the opinion that the Town has exercised extreme restraint in enforcing its Ordinance and that Mr. Lasee's issues with the citations that were issued by the Town and the Court are of his own doing. Ashley will be at the Board's Wednesday, September 2nd, 2015 meeting to advise the Board on how to proceed with the issue. Based on Mr. Lasee's e-mail to the Town and staff's contact with the fencing contractor the Administration is recommending that the Board direct the Town's Attorney to proceed with preparing the nuisance complaint against Mr. Lasee until staff is able to confirm that the fence has been installed and complies with the Town Ordinances. If Mr. Lasee chooses to file complaints against other non-conforming pools staff will enforce the Town's Ordinance as directed. The Administration is respectfully asking the Board to confirm its direction on this issue as part of proceeding with any enforcement action.
- Staff asked Attorney Lehocky to postpone the hearing for 30 days.
 - Staff recommends that the Town Board direct the attorney to petition court to dismiss citations that have not been in court yet. Initial appearance rescheduled from September 8th, 2015 to October 6th, 2015.
- C. Attached please find several photographs of the storm water management pond in the Sunburst Development; also attached is the ownership information for the properties on which the pond sits. As the Board knows, public works staff has been working on improving the drainage issues in the development; specifically, the function of the drainage easements and the roadside ditches in the development. Staff started this process by relieving the drainage issues on Sundew Court and the drainage easement to the pond. In CY 2014 the Board approved a contract to install drain tile from Sunburst Lane to the pond. Because of water issues the project was delayed, however, it has now been completed. In anticipation of finishing the ditching and drain tile installation prior to repaving the roads in the development, staff would like to dredge the outfall pond and clean the storm water management pond area. This process will require an easement from the property owners and access to the pond. It is important that the pond be dredged and the area cleaned since the pond and the area are the outfall for the storm water management system for the development. It is also important that the Town create an outfall for the pond. To the best of staff's knowledge, the pond has no outfall or controlled outlet. Both the outfall and the controlled outlet allow water to flow from the pond once it has been

clarified or if the pond overflows. As the pond sits today it is acting as a storage area for storm water until it is full and then the water is stored in the roadside ditches. Staff is looking for Board authorization to develop a project, talk to the property owners to see if they will grant the required easement or to authorize the Town to access their properties to do the work. Once these issues have been resolved and/or clarified staff would like to solicit proposals for doing the dredging work during the winter months. If the Board is comfortable with the Administration's request, a fully developed project will be presented to the Board for approval early in CY 2016.

- Discussed the process for dredging pond and the process of outfall and drainage of the pond. The island in the center of the pond will be removed. Much of the sediment in the area ends up in the pond.
- The board directed staff to put together a plan for the project.

D. Attached, please find a list of delinquent Personal Property Tax bills for CY 2014, Personal Property Taxes payable in CY 2014, and CY 2015. Over the past few years the Town's Treasurer has become very good at collecting the Town's Personal Property Taxes; a significant tool used by the Treasurer is the threat of collection. The Administration is asking the Board for authorization to start the collection process for these delinquent bills. Please be advised that the Administration is taking a strong stance on this issue because the County Treasurer, as part of the Tax Settlement process, requires that the Town make all taxing authorities whole for Personal Property Taxes levied by the Town. Specifically, the Town distributes the Personal Property revenue as if it has collected all of the bills. This process results in the Town distributing revenue that it may not collect. In order to minimize the cost for the process, the Administration would like to refer any delinquent CY 2015 bills to the Town's Attorney for collection. Town staff will send monthly Invoices with accrued interest until December 31st, 2015. Following that date, the Administration would like to refer any remaining delinquent Personal Property bills to the Town's attorney for collection. If the Board agrees with the Administration's recommendation relative to the issue, a motion would be in order to direct staff to proceed with the collection process as outlined.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: To direct staff to proceed with the collection process as outlined above.

Motion carried by unanimous consent.

E. Attached please find a copy of a seeding proposal from Landscapes Unlimited to clean and seed the ditches in the Plat of Oak Openings and the Plat of Oakcrest Manor. The Administration has solicited the proposal based on the work schedule of the Public Works Department and the time left in the season for planting and seeding. Unfortunately, the work scheduled for the Public Works Department did not fall in line with the Department's schedule. Specifically, the restoration work in the Plat of Oak Openings and the Plat of Oakcrest Manor was unable to be completed prior to the paving work. The delay meant that the top soil placed in the ditches was taken over by weeds. The Public Works Department is now doing ditching work in the Plat of Windfield Estates and expects to have the drain tile and ditching completed in mid September with restoration to follow. In order to avoid the same issues in the Winncrest and Acorn Road project Public Works staff will have to restore the ditches in that project following the paving and prior to finishing

the Windfield Estates work. This schedule will require that a third party do the quoted work in the Plat of Oak Openings and the Plat of Oakcrest Manor. Please be advised that the quote presented includes using the Town's hydro seeding equipment. Staff is using this process to avoid spending the time in spring of CY 2016 removing e-mat from the project areas. If the Board is comfortable with the Administration's recommendation, a motion would be in order to approve the quote presented at a cost not to exceed \$7,660.00 with the funding to come from the Town's Storm Water Management Utility.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: To direct staff to approve the quote from Landscapes Unlimited presented at a cost not to exceed \$7,660.00 with the funding to come from the Town's Storm Water Management Utility.

Motion carried by unanimous consent.

XI. Upcoming Meeting Attendance:

Budget Meetings Schedule:

Tuesday, September 8th at 7:00 p.m.

Tuesday, September 15th at 7:00 p.m.

Tuesday, October 6th at 7:00 p.m.

Tuesday, October 13th at 7:00 p.m.

XII. Board Member Requests for Future Agenda Items: None.

XIII. Review of Disbursements: No comment.

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 8:02 p.m.

Respectfully submitted,
Laurie Goffard, Deputy Clerk