

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. on Wednesday, January 21st, 2015

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

I. Call to Order:

A. Notice Verification, Roll

1. Town Board Chairman Luebke 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 Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	ABSENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Town Engineer – Mary Jo Miller	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, January 7th, 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, January 7th, 2015.

IV. Open Forum – Non-Agendized Town-related Matters:

- Ralph Lee, Lee's Plumbing dba 5 Star Mechanical, PO Box 7292, Appleton, WI.
- Discussed work done and expenses owed to 5 Star Mechanical. Administrator Johnston did not respond to Ralph Lee's comments. This item tabled to the next meeting of February 4, 2015.

- V. Correspondence:
- A. Winnebago County Planning and Zoning Department Memorandum on Meeting locations.
 - B. General Teamsters Union Local 662 Petition for Annual Certification Election.
 - C. Winnebago County Solid Waste Management Board CY 2014 Recycling Tonnage Report.
- 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
 - D. Larsen-Winchester Sanitary District
 - E. Administration Comments
 - Engineer Miller submitted her engineer status report for the 2015 Roadway Improvement projects. Winncrest and Acorn roads, Oakcrest, Oak Openings and Whispering Meadows subdivision and the remaining work with Fox Valley Asphalt.
 - Treasurer Straw discussed the amount of taxes collected thus far. Banking accounts being changed from Chase Bank to Wells Fargo.
- VII. Operator Licenses Issued by the Town Clerk:
- A. New:
 - i. Daniel Wolfe
 - ii. Heather Schwarzbauer
 - B. Renewal:
 - i. None
 - C. 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 February 1, 2015 through June 30, 2015, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

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

Agent: Stephanie J. Clauson

On Agenda Item VII C, the Administration is recommending approval of the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors on file in the Town of Clayton, Clerk’s Office for the licensing period February1, 2015 through June 30, 2015 submitted by Stephanie J. Clauson (dba The Larsen Tavern), 8338 County Road T, Larsen, WI 54947 subject to the payment of any due and payable real and personal property taxes levied by the Town of Clayton. Should the Board agree with the Administration’s recommendation a motion would be in order to approve the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for the licensing period February1, 2015 through June 30, 2015 submitted by Stephanie J. Clauson (dba The Larsen Tavern), 8338 County Road T, Larsen, WI 54947 subject to the payment of any due and payable real and personal property taxes levied by the Town of Clayton.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for the licensing period February 1, 2015 through June 30, 2015 submitted by Stephanie J. Clauson (dba The Larsen Tavern), 8338 County Road T, Larsen, WI 54947 subject to the payment of any due and payable real and personal property taxes levied by the Town of Clayton.

Motion carried by unanimous consent.

- D. 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 December 3rd, 2014 through June 30, 2015, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

Winagamie, Inc. (dba Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956.

Agent: Daniel McGinn

On Agenda Item VII D, The Administration is recommending approval of the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors on file in the Town of Clayton, Clerk’s Office for the licensing period December 3rd, 2014 through June 30, 2015, submitted by Winagamie, Inc. (dba Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956 the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances. Should the Board agree with the Administration’s recommendation a motion would be in order to approve the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for the licensing period December 3rd, 2014 through June 30, 2015 , submitted by Winagamie, Inc. (dba Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956 the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to approve the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors in the Town of Clayton for the licensing period December 3, 2014 through June 30, 2015 submitted by Winagamie, Inc. (dba Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956 with the granting of which is now pending and subject to compliance with State statutes and municipal ordinances.

Motion carried by unanimous consent.

- E. Town Board review and consideration of a Change of Agent Application for Pubs and More, LLC (dba Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956.

New Agent: Thomas S. Welhouse

On Agenda Item VII E, the Administration is recommending approval of Thomas S. Welhouse as Agent for Pubs and More, LLC (dba Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956. Should the Board agree with the Administration’s recommendation a motion would be in order to approve Thomas S. Welhouse as Agent for Pubs and More, LLC (dba Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion to approve Thomas S. Welhouse’s agent for Pubs and More LLC (dba Headliners Bar and Grill) 2788 Towne Court, Neenah, WI 54956.

Motion carried 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, the Wednesday, January 14th, 2015 Plan Commission meeting was cancelled.

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 update to the Board on the long term development of the Clayton Park Facility and the Trail Head Park Grounds and Park Facility.

Attached please find a draft copy of the minutes of the Wednesday, January 14th, 2015 Green Space Committee Meeting. Staff reviewed the status of the park related projects and the time line for completing the renovation and updating work. Additionally, staff asked the Committee if it had heard or been contacted by residents relative to the equipment and/or services the Town offers in its parks. In general, neither staff nor the Committee has been contacted by residents relative to the parks. In addition to the routine maintenance of the parks staff has some stormwater management and drainage work it needs to finish on the south end of Clayton Park.

NO ACTION TAKEN

X. Business:

- A. Discussion/Action: Town Board review and consideration of the Town’s options for disposing of the Elmer property located at 8328 CTR “T”, Larsen, WI 54947 and specifically identified as Tax ID# 006-0535-06-02 in the Town of Clayton, County of Winnebago.

The Town Chair and the Administration have been reviewing the Town’s options relative to disposing of the former Elmer property located at 8328 CTR “T”, Larsen, WI 54947 and specifically identified as Tax ID# 006-0535-06-02 in the Town of Clayton, County of Winnebago. The Town’s original intent was to sell the property to an area resident who was

going to renovate the property and place it on the market as an owner occupied, single family residence. At the Chair’s direction the Administration has contacted the Habitat for Humanity, Restore (Habitat) to see if they had any interest in removing any construction material of value prior to the destruction of the building and the detached garage. Habitat has indicated that they have an interest in the salvage material and are willing to remove the material should the Board agree. Once the building has been gutted the balance of the building will need to be demolished. Should the Board wish to proceed with the project the Administration will contact a demolition company for a proposal to remove and dispose of the remnants of the building. However, before soliciting proposals for the demolition of the building the Administration would like direction from the Board on its intent for the ultimate disposition of the building.

- Discussed options available relative to Habitat for Humanity for gutting the building and keeping secure.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: Motion to proceed with the salvaging of interior woodwork from Fox Cities Habitat Restore on the Elmer property with the understanding that it will be sealed up when they are done.

Motion carried by unanimous consent.

B. Discussion/Action: Town Board review and direction to staff relative to the replacing of the culvert in Larsen Road approximately 800 feet east of the intersection of Larsen Road and Oakwood Avenue.

Attached please find a copy of a memorandum from the Town’s Engineer relative to replacing the cross culvert in Larsen Road approximately 800 feet north of the intersection of Larsen Road and Oakwood Avenue. The project was originally intended to be completed in CY 2014, for work scheduling and permitting reasons the project was delayed to CY 2015. For utility and ease of maintenance the Administration has always advised the Board to replace large cross culvert with open bottom arched culverts whenever financially possible. The Board approved replacing the Larsen Road culvert with an open bottom culvert as the Town’s CY 2014 County Bridge Aids Project; the County has carried the Town’s Bridge Aids Funding over to CY 2015. When the Town Engineer asked the question about the type of replacement the Administration was obligated to bring the issue to the Board. The Administration is still of the opinion that it is best to use an open bottom culvert, however, the decision is up to the Board. If the Board agrees with the Administration’s recommendation, a motion would be in order to approve replacing the culvert in Larsen Road approximately 800 feet north of the intersection of Larsen Road and Oakwood Avenue with an open bottom unit.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion: Motion to approve replacing the culvert on Larsen Road approximately 800 feet east of the intersection of Larsen Road and Oakwood Avenue with an open bottom unit.

Motion carried by unanimous consent.

C. Discussion/Action: Town Board review and consideration of a request by the Best Friends of Neenah/Menasha to hold the Clayton Park rental fee at \$60.00 for their 29th Annual Best Friends Gourmet Bike Tour, scheduled to be held on Sunday, July 26th, 2015.

Best Friends of Neenah/Menasha is requesting that the Board reduce the rental fee for Clayton Park to \$60.00 for the organization's Annual Best Friends Gourmet Bike Tour. The Town's current fee for renting Clayton Park is \$80.00. Over the past few years the organization has made this request and the Board has routinely denied the request; however, a resident has made a donation to cover the rental fee for the Organization. The Administration recommends that the Board reject the request for consideration by Best Friends of Neenah/Menasha. The recommendation is based on the uncertainty of what criteria the Board would use to agree to the consideration. Barring a Board Policy that defines the conditions that would merit consideration of the rental fee reduction, staff recommends not reducing the fee for anyone. Staff is comfortable that a donation will be made to cover the cost of renting Clayton Park by Best Friends of Neenah/Menasha. A Motion to deny the request of Best Friends of Neenah/Menasha for consideration would be in order.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion: Motion that we direct staff to deny the request.

Motion carried by unanimous consent.

D. Discussion/Action: Town Board review and direction to staff relative to the use of hydro seeding when restoring lawns as part of the Town's Stormwater Management Utility projects and the Town's Capital reconstruction projects and the possible purchase of hydro seeding equipment for the Town's Public Works Department.

Attached please find material related to hydro seeding equipment and the benefits of the use of hydro seeding to create and/or restore lawns. The equipment staff would like to purchase would cost approximately \$10,000.00. As the Board knows, over the past few years staff has done significant work in developed residential areas of the Town. As part of this work, both the Town's contractors and the Town have restored lawns in the ditch areas. The primary complaints the Administration has received relate to the quality of the restoration and the use of erosion control material in the ditches. The Town Engineer is using a Wisconsin Department of Transportation standard for restoration in an urban area and both the Town and its contractors are using erosion control mat to stabilize the ditch area until the vegetation starts growing. The Administration has received fewer complaints about the Town's restoration work because Scott and the crew use a seed mix that produces a grass more consistent with the property owners' lawns and erosion control mat only in the flow line of the ditch. The Administration is looking at using the hydro seeding equipment in the Town's Capital Projects, ditching projects, and Stormwater Management Utility projects. In the case of the Capital projects the restoration line item of the bid would stop at placing and raking the top soil, Town staff would then hydro seed the project area. In the case of ditching and stormwater management projects staff would simply hydro seed in place of seeding, fertilizing, and placing the erosion control mat. If staff were to use the hydro seeding process

to restore the lawns in the project areas it would use high quality lawn seed, fertilizer, and a binding agent that would eliminate the need for the erosion control mat. The hydro seeding process would result in some cost savings to the Town, however, the primary benefit would be in the quality of the restoration and the time savings on the projects. The reason for the limited savings is the use of labor; on the Capital Projects the cost of labor is included in the reduction of the restoration costs of the project and reflected in the labor cost of Town staff. In the ditching and stormwater management projects the cost of labor is reduced by the efficiency of the hydro seeding process. The Administration estimates that the payback period for the purchase of the hydro seeding equipment would be four to five years. Should the Board wish to proceed with the project, a motion would be in order to direct staff to solicit specific prices for the equipment and present those prices to the Board at its February 3rd, 2015 meeting.

- Discussion relative to getting work done vs. being efficient.
- Return on investment.
- Discussed advantages relative to creating a lawn vs. standard coverage for restoring ditches.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion: Motion to direct staff to solicit specific prices for the equipment and present those prices to the Town Board for the February 4, 2015 meeting.

Motion carried by unanimous consent.

E. Discussion/Action: Town Board review and direction to staff relative to the possible purchase of a small roller for compacting shouldering material placed on Town Roads. Attached please find information relative to the roadside shouldering equipment the Town purchased in CY 2013. Staff has installed the shouldering equipment on one of the Town's large plow trucks. Public Works Department staff worked with the equipment to become familiar with the process and how the equipment functions. Staff has come to the conclusion that the only shortfall of the equipment and the process is the quality of the compaction of the shouldering material. This not to say that the equipment does not work, only that if the compaction process were better the shouldering would be of higher quality and last longer. After significant consideration staff has come to the conclusion that compaction with a small roller (one ton) would greatly improve the shouldering process. Staff has looked at used units on the market and found that Appleton Asphalt Inc. has a 2012 Wacker roller with 397 hours of use for sale at a cost of \$9,000.00. Staff has worked with Appleton Asphalt on a number of projects and is aware of how their equipment is used and maintained. Based on a review of the used equipment market, the Administration is comfortable that the equipment is in good order and the price is reasonable. Relative to the roadside shouldering process staff has compiled a list of the Town roads that have been rebuilt in the past ten years and is developing a schedule for shouldering those roads over the course of the next three to five years. The project list and the work schedule will be presented to the Board at its February 3rd meeting. Should the Board wish to proceed with the project, a motion would be in order to direct staff to solicit

specific prices for the equipment and present those prices to the Board at its February 3rd, 2015 meeting.

MOTION:

Motion made by unanimous consent to approve the possible purchase of a small roller.

F. Discussion/Action: Town Board review and direction to staff on the creation of a Department of Agriculture Trade and Consumer Protection approved Agricultural Enterprise Area (AEA) in the Town of Clayton.

Attached please find copies of material relating to the Town of Greenville’s Agricultural Enterprise Area and the State Department of Agriculture, Trade, and Consumer Protection information relative to the State program. In order to participate in the program the Town Board and the County Board need to pass a Resolution supporting the creation of an Agricultural Enterprise Area in the Town of Clayton (see the Greenville Resolution). The Administration can prepare a Resolution for the Board’s consideration and the Town Chair can ask one of the Town’s County Representatives to introduce a Resolution affirming the County’s interest in supporting and participating in the State program. Participation in the AEA program is voluntary and allows participants to receive tax credits for participation (see attached material). The Administration is looking for direction from the Board relative to supporting and participating in the program. Should the Board wish to proceed with the project, a motion would be in order directing staff to draft the appropriate documents and to place the Town’s Resolution on the February 4th, Town Board Meeting Agenda for consideration and possible action.

- Discussed the creation of AEA and the subsidy of agriculture.

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Grundman

Motion: Motion that we put an order on to direct staff to draft an order for consideration at the February 4, 2015 town board meeting agenda and possible action.

Motion carried by unanimous consent.

Chair requested roll call vote:

Supervisor Schmidt: Aye

Supervisor Grundman: Aye

Supervisor Lettau: Aye

Supervisor Geise: Absent

Chair Luebke: Naye

Motion carried 3-1.

XI. Upcoming Meeting Attendance:

XII. Board Member Requests for Future Agenda Items:

- Meal for the April 2nd, 2015 meeting

XIII. Review of Disbursements:

XIV. Adjournment:

MOTION:

Motion made by unanimous consent to Adjourn at 7:50 p.m.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk