

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:21 P.M. on Wednesday, March 6th, 2013

Town Office 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 Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Treasurer Bowen	PRESENT

II. Public Hearing:

- A. Public Hearing before the Town Board on Resolution #2013-001 A Resolution Adopting a Zoning Code of Ordinances and Zoning Map for the Town of Clayton, County of Winnebago, State of Wisconsin.

The Administration would like to advise the Board that staff had some issues with publishing the Public Notice of the Board’s Public Hearing in the Appleton Post Crescent. The Administration believes that staff did meet the letter of the law; however, in order to guarantee that the Public Notice process was followed correctly the Administration has elected to have the Board hold two Public Hearings. Notice for the first Public Hearing to be held on Wednesday, March 6th, 2013 was published on Tuesday, February 26th, 2013 and Wednesday, February 27th, 2013. Notice for the second Public Hearing to be held Wednesday, March 20th, 2013 will be published on Wednesday, March 6th, 2013 and Wednesday, March 13th, 2013. This process will provide residents with ample opportunity to have public input and meet both the letter and the spirit of the law. Relative to the Posting process, the Administration has posted the Draft Zoning Code of Ordinances on the Town’s Home Page; additionally, each of the Postings in the Town advises residents that a copy of the Draft Ordinance is available on the Home Page or by calling the Town Clerk’s Office. Staff respectfully requests that the Board members bring their copies of the Draft Zoning Code of Ordinances to the Public Hearing and the meeting. Listed below please find an updated schedule for the implementation of a Zoning Code of Ordinances for the Town of Clayton:

1. Wednesday, March 6th: Town Board - Public Hearing (Class 2 Notice) and First Reading
2. Wednesday, March 20th: Town Board – Public Hearing (Class 2 Notice), Second Reading and Ordinance Adoption
3. Monday, April 1st: Referral to the Winnebago County Planning and Zoning Committee
4. Tuesday, April 16th: Approval by the Winnebago County Board
5. Sunday, April 28th: Town Zoning Ordinance becomes effective
6. Monday, April 29th: County Zoning Ordinance (new) becomes effective

Following approval of the Draft Zoning Code of Ordinances staff will need to start the approval process for the Farmland Preservation portion of the Ordinances. In order for local farmers to qualify for the Farm Land Preservation Program this approval process will need to be completed by December 31st, 2013.

To date, staff has not received many comments in favor of or in opposition to the Draft Zoning Code and/or the approval process. If the Board is comfortable with the Draft Ordinance and the approval process, a motion would be in order to refer the document to a second Public Hearing, a second reading, and consideration at the Board’s Wednesday, March 20th, 2013 meeting.

- Engineer Jonathon Bartz (President, M&E Inc.) reporting
- Presented a general overview of Town of Clayton Zoning Code of Ordinances and reviewed the Articles
- Reviewed Town options relative to the County Zoning Code
- Supervisor Lettau questioned the issue of Farmland Preservation
- Mr. Bartz discussed the Farmland Preservation Program relative to the zoning code

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion made to close the Public Hearing on Resolution #2013-001 A Resolution Adopting a Zoning Code of Ordinances and Zoning Map for the Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried by unanimous voice vote

III. Approval of Minutes:

A. Regular Town Board Meeting – Wednesday, February 20th, 2013.

- Correct time for adjournment was 7:46 P.M.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting Minutes for Wednesday, February 20th, 2013 with corrections

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

A. No Referrals

V. Correspondence:

- A. February 2013 Department of Natural Resources, Wisconsin Forestry Notes Publication.
- B. County Zoning Notice of Informational Meeting.
- C. Joanne Sievert Resignation Notice.
- D. Winnebago Voter (March/April 2013)
- E. Polling Place Onsite Accessibility Compliance Audit Report
- F. Fox Valley Urban Towns Group Meeting Invitation

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

- A. County Supervisor Report
 1. No Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
 1. No Report
 2. Commented on parking issues with Larsen Tavern patrons
- C. Clayton-Winchester Fire Department
 1. Al Kuenzi reporting
 2. Calls for month: 2 possible structural fires (1 was an actual structural fire), 1 propane leak, dumpster fire, 1 first responder call, 1 oven fire, 1 fuel leak false alarm, and 1 actual fuel leak. Total 19 for the year and 10 for the month)
 3. Chairman Luebke mentioned the meeting about expectations in the new building
- D. Larsen Winchester Sanitary District
 1. Mike Pfankuch reporting
 2. Discussed meeting from this afternoon (3/6/13) about billing proposals
 3. Town of Clayton won the bid with a contract for \$8000/year for 3 years beginning with the first quarter of 2013
 4. Conditions of the contract and multiple changes were reviewed and discussed
 5. Aerators for ponds have been purchased. Discussed having a demonstration
 6. Requested to set up a disposable wipe educational display at the Annual Meeting
 7. Discussed the issues wipes are causing. 2 pumps (\$17,000 each) had to be purchased for the lift station in order to help grind up the wipes
- E. Administration Comments
 1. Engineer:
 - a. No Report
 2. Administrator/Clerk
 - a. Mr. Johnston discussed Scott's surgery and the part-time replacement in his absence
 - b. 50 tons of additional salt needed to be purchased
 3. Public Works Foreman:
 - a. No Report
 4. Treasurer/Deputy Clerk:
 - a. Ms. Bowen reviewed the process of wiring payment to the Town's debt service agency and the fees involved. This needs to be a line item on the 2014 Budget
 - b. Mentioned the software training she and Jenna are currently doing
 - c. Discussed the accidental double-assessment that was done on Boe, LLC. and The Spot Bar & Grill. The Board recommended she issue a refund and process a chargeback regardless of processing costs
 5. Town Board:
 - a. No Report

- VII. Licenses and Permits:
- A. New:
 - i. No New Licenses Issued:
 - B. Renewal:
 - i. No Renewed Licenses Issued:
- VIII. Zoning – Town Board receipt, review, and consideration of Plan Commission Referrals:
- A. No Referrals.
- IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:
- A. Green Space Committee referral of an update by staff to the Committee and ClaytonFest Committee on the Board’s actions relative to the CY 2013 ClaytonFest Event and support activities.
 - B. Green Space Committee referral of a preliminary review of a request to construct a Frisbee Golf Course at Clayton Park.
Attached please find a Draft copy of the Meeting Minutes for the Green Space Committee Meeting of Thursday, February 21st, 2013. The Committee met with the ClaytonFest Committee to update them on transitioning the planning for the event to the Drifters Snowmobile Club (Drifters). The group gave the 4-H representative a list of solicitation contacts for the bouncy toy program. Additionally, the group reviewed the option of having an opening event for the new Town/Fire Hall facilities. The Green Space Committee was also advised of the pending request for a Frisbee Golf Course facility.
- X. Business:
- A. Discussion/Action: Town Board review and consideration of the First Reading of Resolution #2013-001 A Resolution Adopting a Zoning Code of Ordinances and Zoning Map for the Town of Clayton, County of Winnebago, State of Wisconsin.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion made to refer the Resolution #2013-001 to a second Public Hearing, a second reading, and consideration at the Board’s Wednesday, March 20th, 2013 meeting.

Motion carried by unanimous voice vote

- B. Discussion/Action: Town Board review and consideration of converting the Town Administrative Assistant from a contract employee to an at-will Town Employee with a 6-month probationary period and a probationary wage of \$11.00 per hour.

Attached please find copies of the following documents:

1. An e-mail from Kara Manuel of Cadre Staffing Services, the e-mail outlines the hours Jenna Prange has on her agreement with Cadre.
2. A copy of the Administration’s Performance Evaluation of Ms. Prange will be provided to the Board at its meeting.

Based on Ms. Prange’s performance in the past few months, the Administration would like to hire her as an at-will employee to fill the position of Administrative Assistant in the Town Offices. Ms Prange has proven to be a valuable asset to the Town during her term as a temporary contract employee. Based on the Town’s Employment Manual, the Administration would like to hire Ms. Prange with a 6-month probationary period at a starting wage of \$11.00 per hour. The job offer comes with all of the Town’s benefits including Health Insurance through the Teamsters Union and the State Retirement program with the Town paying the employer’s contributions. Ms. Prange would be eligible for Health Insurance on July 1st of CY 2013. Prior to the end of the six-month probationary period, the Administration will provide the Board with a Probationary Performance Evaluation in anticipation of making Ms. Prange a full time regular Town employee.

- Mr. Johnston commented that a Performance Evaluation was not completed due to the fact that Ms. Prange is continuing to learn the job duties
- Mr. Johnston added that Ms. Prange has been very good and very helpful. She has done most of the filing and reduction of boxes that is being completed. She has started working with the GAB material to relieve Tori of some of those particular issues
- Discussed an error that Ms. Prange pointed out within the GAB election material
- Ms. Prange questioned if the six-month probationary period included her three months already served, to which Mr. Johnston replied “yes”.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion made to convert the Town Administrative Assistant from a contract employee to an at-will Town Employee with a 6-month probationary period (3 months already served) and a probationary wage of \$11.00 per hour.

Motion carried by unanimous voice vote

- C. Discussion/Action: Town Board review, consideration and direction to staff relative to the Town’s demolition of the buildings on, and disposition of, the Elmer Properties.

The Town Chair and staff met with Mr. Clauson to review the Board’s directions to staff from its Wednesday, February 20th, 2013 meeting. The Board directed staff to proceed with other options relative to the Elmer Properties. At the Administration’s recommendation the Town Chair agreed to a final conversation with Mr. Clauson. Attached, please find the option and supporting documentation relative to the final offer to Mr. Clauson. Mr. Clauson was asked to provide a response relative to the offer to staff by 12:00 noon on Friday, March 1st, 2013. Mr. Wiedenbeck has advised the Administration that he will have a signed option to staff by Wednesday, March 6th, 2013. Based on the actions of Mr. Clauson and Mr. Wiedenbeck the Board will need to direct staff relative to the process of establishing a Yard Waste Site on the property available to Citizens of the Town. In any case, the Administration recommends that the proposed Yard Waste Site be fenced and isolated from the adjoining properties. Should all else fail, the Town will have to locate the Yard Waste Site on the Elmer properties with access from CTH T and the Trail. Once the available options have been signed the Administration will proceed with the demolition of the structures, approval of the Certified Survey Map creating the properties in question, and any rezoning required by the process. While the Certified Survey Map and rezoning are being completed, the Administration will ask the Town’s

Attorney to draft any documentation for the Board and the property owners to sign. The transfer documentation will include protections for the Town which guarantee that the conditions of the transfer are honored or the property is returned to the Town. Please be advised that this process may require several approval actions by the Board. As indicated, the Administration believes that these properties will go back on the Town's tax roll on January 1st, 2014. If the Board is comfortable with the process as outlined, a motion directing staff to proceed with the project would be in order.

- Mr. Johnston mentioned that he made Mr. Clauson's attorney aware that Mr. Clauson will lose two additional parking spots and his dumpster will no longer be able to sit on the Town's property
- Discussed sharing the driveway with Mr. Clauson and the layout and fencing of the property
- Supervisor Lettau questioned where the children's activities during ClaytonFest would be located
- Comments were made relative to tavern customers parking on the Town's property

NO MOTION

D. Discussion/Action: Town Board review and consideration of waiving the Clayton Park rental and security deposit fee for the Neenah School District.

Attached please find a copy of a Use Application for the Clayton Park Pavilion submitted by the Neenah School District. The District has asked the Town to waive the fees and the security deposit for the rental of the facility. The Administration believes that this request is based on the fact that both agencies are public and therefore supported by the local taxpayer. Simply put, it would be one taxing entity paying another taxing entity supported by the same taxpayer. Based on past experience, the Administration is recommending that the Town waive the rental fee but not the security deposit. This recommendation is based on the understanding that the rental fee is supported by the same taxpayer; however, the security deposit is intended to protect the Town from the cost of cleaning the facility after it is used. It would not be unreasonable for any individual to leave the site in disorder if they have no cost associated with the action. This holds true even for a taxpayer supported entity. Should the Board agree with the Administration's recommendation, a motion would be in order to waive the Clayton Park Pavilion rental fee for the Neenah School District and to require that the School District pay the rental security deposit on the facility.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion made to waive the Clayton Park Pavilion rental fee for the Neenah School District and to require that the School District pay the rental security deposit.

Motion carried by unanimous voice vote

E. Discussion/Recommendation: Town Board review and consideration of a contract for providing meter reading and Sanitary District Utility billing services for the Larsen/Winchester Sanitary District.

The Chair of the Larsen/Winchester Sanitary District has asked Town staff to submit a revised proposal for the Town to do the meter reading and the billing for the district. Staff has been working on a cost projection for the project. Based on the expected work level

and the time required to complete the meter reading and the billing, the Administration has arrived at an estimated cost of \$8,000.00 per year plus reimbursable costs for postage and stationery. A final draft of the Town's proposal will be in the Board's mailbox by Monday, March 4th, 2013. The Board will have the option of approving the proposal at its Wednesday, March 6th, 2013 meeting or forwarding it to the Wednesday, March 20th, 2013 meeting. In either case, should the Board approve the proposal staff would start doing the District's billing with the first quarter of CY 2013. The Sanitary District will be considering the Town's proposal at its Wednesday, March 6th, 2013 meeting. Staff will be able to update the Board on the Commission's actions at its meeting. Should the Board wish to proceed with the project, a motion would be in order to approve the proposal and to direct staff to proceed with drafting a contract for signatures in a timely fashion.

MOTION

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion to approve proposal and direct staff to proceed with drafting a contract for signatures in a timely fashion for the Town of Clayton contract for the providing meter reading and billing for the Larsen/Winchester Sanitary District

Motion carried by unanimous voice vote

- F. Discussion/Recommendation: Town Board review and direction to staff relative to creating an official State of Wisconsin compliant Records Retention Ordinance for the Town.

Attached, please find a copy of the State's Model Ordinance for the Destruction of Obsolete Records. The Town has a Records Retention Policy that refers to the State's Ordinance; however, staff can find no documentation of the adoption of the Model Ordinance. With the advent of moving into the new Town/Fire Hall, staff will be filtering and consolidating the Town's files and records. As part of that process staff will discover many documents that will need to be disposed of. In order to properly destroy any document, staff will need to follow the State's requirements. The Administration respectfully requests that the Board adopt the State's Model Ordinance for the Destruction of Obsolete Records so that this process can be completed properly. Should the Board agree with the Administration's recommendation, a motion would be in order directing staff to prepare and present the State's Model Ordinance for the Destruction of Obsolete Records for Board approval.

- Mr. Johnston will draft a resolution

NO MOTION

- G. Discussion/Recommendation: Town Board review of the Town's December 31, CY 2012 Community Foundation account balance.

The Town has a little over \$10,000.00 held by the Community Foundation for the Fox Valley Region, Inc. (Foundation). These funds are invested by the Foundation and are intended to generate a positive return for the Town. Attached please find a copy of the Foundation's CY 2012 Balance Sheet and Income Statement for the Town of Clayton Community Trails Fund. Unless the Board would like to look for alternate uses for these funds, the Administration is recommending that the Board accept the Foundation's report and place the document on file. A motion to direct staff to do so would be in order.

- Mr. Johnston advised it appears to be set up for trail and park development
- Town will continue to let money sit until a use is found

NO MOTION

H. Discussion/Recommendation: Town Board review and direction to staff relative to individuals plowing snow across Public Rights of Way.

Town Board Supervisor Schmidt asked that this item be placed on the Board's agenda for review and direction to staff. Supervisor Schmidt's request is based on the fact that Town residents and businesses are plowing their snow across the road into the ditches on the opposite side of their driveways. This type of activity violates Town Policy and State Ordinances (see attached). Additionally, staff has received a number of complaints from residents who have had snow plowed into the ditches in front of their homes. From the Town's perspective, the issue occurs with the spring melt. The large snow mounds melt at a different rate and can often cause roadway and/or ditch flooding. This process will frequently cause icy road surfaces when the weather turns colder. Both the flooded and/or icy roads result in potentially dangerous driving conditions. Staff would respectfully ask the Board for direction relative to this issue.

- Mr. Johnston will converse with the Town's Attorney and move forward

NO MOTION

- XI. Upcoming Meeting Attendance
 - A. Discussed Board of Review training
- XII. Board Member Requests for Future Agenda Items
 - A. No Requests
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 8:21 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Tori Bowen, Treasurer/Deputy Clerk