

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, June 6, 2018

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
2. Pledge of Allegiance.
3. Verification of Notice
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
Asst Admin/Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Town Engineer – Mary Jo Miller	PRESENT
Town Attorney – Ashley Lehocky	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s): NONE

III. Approval of Minutes:

- A. Approval of the Wednesday, May 16th, 2018 Town Board Meeting Minutes.
- B. Approval of the Wednesday, May 16th, 2018 Closed Session, Town Board Meeting Minutes.

MOTION:

Motion by unanimous consent to approve the May 16, 2018 minutes of the Town Board Meeting and Closed Session as presented.

IV. Open Forum – Town-related Matters not on the Agenda: NONE

V. Correspondence:

- A. A copy of the May CY 2018 Building Inspector’s Report.
- B. A copy of correspondence from the Winnebago County Planning and Zoning Department Administrator Cary Rowe.

C. A copy of a letter from the Winnebago County, Land and Water Conservation Department.

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

A. County Supervisor Report

- NO REPORT

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

- Supervisor Grundman expressed concern about the parking at the intersection of CTH "T" and Oakridge as it blocks visibility from the stop signs on Oakridge
- Mike Pfankuch requested extra patrols around the Town Hall because vandalism has increased since school has dismissed for the summer

C. Clayton Fire Rescue Department (First Meeting of the Month)

- Chair Geise reviewed the report provided to the Town Board by Chief Rieckmann.
- 76 calls year to date—42 EMR, 25 Fire, and 8 that were both
- Gold Cross called to compliment CFR for the excellent response and service at the recent two vehicle accident at Pioneer Road and CTR "II"

D. Larsen-Winchester Sanitary District

- Mike Pfankuch, Chairman, reported the Spring Draw Down is complete having released 8,520,000 gallons
- District will begin Water Softener Inspections as required by the Operating Permit issued by the WI DNR

E. Administration Comments

- Engineer Mary Jo Miller
 - Rosemoon Way and Rosemary Lane have both completed the first binder coat of asphalt and contractors are just finishing the clean-up
- Administrator Johnston
 - Working on Sanitary on the east side of Town
 - WI DNR Lawsuit is closed with the final agreement going in favor of the Town

VII. Operator Licenses Issued by the Town Clerk:

A. New:

- i. Jadzea M. Dax
- ii. Megan K. LaBarge
- iii. Magda E. Skorupska

B. Renewal:

- i. Jason B. Smith

C. Discussion/Action: Town Board review and consideration of the following Cigarette License Applications:

The following parties have applied for a Cigarette and Tobacco Products License, in and for the Town of Clayton, for the period of July 1, 2018 to June 30, 2019, subject to compliance with State Statutes and Municipal Ordinances.

- a. Remington Oil Co. Inc. (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.
- b. Ridgeway Country Club, Inc., 2913 County Road II, Neenah, WI 54956.

MOTION:

Motion by unanimous consent to approve the Cigarette and Tobacco Products Licenses as presented, subject to compliance with State Statutes and Municipal Ordinances.

D. Discussion/Action: Town Board review and consideration of the following Alcohol License Applications:

The following parties have a renewal application for a “Class A” license to sell fermented malt beverages, and a “Class A” license to sell intoxicating liquors on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2018 through June 30, 2019, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Remington Oil Co Inc., (d.b.a. Ridgeway 66), 8510 State Road 76, Neenah, WI 54956.
Agent: Dean Sorano

MOTION:

Motion by unanimous consent to approve the “Class A” license to sell fermented malt beverages, and a “Class A” license to sell intoxicating liquors as presented, subject to compliance with State Statutes and Municipal Ordinances.

E. The following renewal application for a Class “B” license to sell fermented malt beverages is on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2018 through June 30, 2019, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. SOL Restaurants LLC (d.b.a. Oinks Restaurant), 8386 State Road 76 Suite A, Neenah, WI 54956.
Agent: Lynn Ann Miller

Jeff Boe, 8315 STH “76”, and property owner of 8386 STH “76”, was present to address the Board regarding State Building Code Violations

- Many of the violations have been repaired
- Main issues remain in the Shop area and include:
 - cut ceiling beams resulting from hoist installation
 - non-compliant windows installed in the roof
 - Air exchange requirement
- Spoke with Architect to get estimate to develop plans to meet the State requirements for commercial buildings

Administrator Johnston noted he had spoken with State Commercial Building Inspector Brian Noe

- Mr. Noe confirmed that most of the minor violations were remedied
- Major issues still exist and are still a cause for concern

- Administrator Johnston suggested postponing liquor license consideration to the June 20, 2018 meeting and requesting that Mr. Boe provide a contract for the necessary work, which includes a date certain for completion of the corrections of the outstanding violations.

NO ACTION TAKEN: Business item postponed to the June 20, 2018 Town Board Meeting

F. The following parties have a renewal application for a Reserve Class “B” license to sell fermented malt beverages, and a Reserve “Class B” license to sell intoxicating liquors on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2018 through June 30, 2019, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Leisure Golf #1, LLC, (d.b.a. Westridge Golf Club), 8130 Golf Course Drive, Neenah, WI 54956.
Agent: Rory James Burton

MOTION:

Motion by unanimous consent to approve the Reserve Class “B” license to sell fermented malt beverages, and a Reserve “Class B” license to sell intoxicating liquors as presented, subject to compliance with State Statutes and Municipal Ordinances.

G. 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 on file in the Town of Clayton Clerk’s Office for the licensing period of July 1, 2018 through June 30, 2019, the granting of which is now pending and subject to compliance with State Statutes and Municipal Ordinances:

- a. Micki D’s, LLC, (d.b.a. The ReMixx), 8386 State Road 76 Suite B, Neenah, WI 54956.
Agent: Michelle Baumann

NO ACTION TAKEN: Business item postponed to the June 20, 2018 Town Board Meeting

- b. Stephanie Jean Sweere (d.b.a. The Larsen Tavern), 8338 County Road T, Larsen, WI 54947.
Agent: Stephanie J. Sweere
- c. Pubs and More, LLC (d.b.a. Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956.
Agent: Thomas S. Welhouse
- d. Winagamie, Inc. (d.b.a. Winagamie Golf Course), 3501 Winnegamie Drive, Neenah, WI 54956.
Agent: Matt Burry
- e. Ridgeway Country Club Inc., 2913 County Road II, Neenah, WI 54956.
Agent: Scott Stielow

- f. PCF Holdings Inc. (d.b.a. Willie Beamons), 2590 County Road II, Neenah, WI 54956.
Agent: Katherine L. Mueller
- g. The Woodshed Inc. (d.b.a. The Woodshed Bar and Grill), 2895 County Road II, Neenah, WI 54956.
Agent: Dino Orlando Valeri
- h. EJ Phoenix Enterprises LLC (d.b.a. Century Elm Supper Club), 8300 County Road T, Larsen, WI 54947
Agent: Elisabeth Jackson

MOTION:

Motion by unanimous consent to approve the Class “B” license to sell fermented malt beverages, and a “Class B” license to sell intoxicating liquors for The Larsen Tavern, Headliners Bar and Grill, Winagamie Golf Course, Ridgeway Country Club, Willie Beamons, The Woodshed Bar and Grill, and the Century Elm Supper Club, subject to compliance with State Statutes and Municipal Ordinances.

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 (second Town Board meeting of the month):

- A. No Referrals

X. Business:

- A. Discussion/Action: Town Board review and consideration of approving a revised Mailbox Installation and Plowing Damage Replacement Policy.

Administrator Johnston explained that over the course of the past few years staff has had to deal with a number of damaged mailboxes during the winter months. The main issues staff has had involve replacing mailboxes that were damaged by snow rather than the Town’s plows. The Board reviewed a draft policy which provides guidance to staff relative to the interaction with the property owner. Additionally, the Draft Policy sets a standard for how mailboxes should be installed and how they will be replaced. The installation standards are those set by the United States Postal System (USPS), the Administration added a restriction on the use of concrete as an anchoring method. The Draft Policy also allows for a \$50.00 refund to the property owner who chooses to not use the Town’s replacement mailbox, the \$50.00 refund is equal to the cost of the Town’s replacement mailbox.

MOTION:

Motion by unanimous consent to approve the Mailbox Installation and Plowing Damage Replacement Policy as presented and to direct staff to provide a copy of the Policy with every Final Occupancy Permit Issued for new residential and commercial construction in the Town.

- B. Discussion/Action: Town Board review and consideration of approving a Traffic Sign Installation Policy for the Town of Clayton.

The Board reviewed a copy of a Traffic Sign Installation Policy for the Town of Clayton. The Administration is looking for a standard for how the Town installs and maintains traffic signs on Town Roads. The Town replaced all of its road signs in a three-year period from CY 2013, 2014, and 2015. This Policy is intended to standardize how the Town treats its sign inventory and the process for maintaining that inventory. The Board also reviewed an e-mail chain from the Town’s Attorney (Ashley). For liability reasons, Ashley does not agree with the use of such a Policy. The Administration is of the opinion that Policy or not, the Town still has liability for its sign inventory and the Policy provides staff with a set of rules for how those signs are to be maintained. The Administration believes that staff should not have discretion relative to these issues. That discretion rests with the Board when it creates a policy. If staff has a Policy, it can be held accountable for doing its job and what that job is defined as. The Administration noted that Ashley is correct in stating this is a legislative action and the Board gets to set and approve a policy at its discretion. The Administration is requesting the Board approve the Traffic Sign Installation Policy for the Town of Clayton.

- The Town’s Attorney expressed concern regarding the liability created by approving a policy.
- The Administration disagreed stating the liability exists with or without the policy.

DIRECTION TO STAFF: To research and provide the Board with a second legal opinion
NO ACTION TAKEN.

- C. Discussion/Action: Town Board review and consideration of creating a full-time Town Constable Position in the Town’s CY 2019 Budget.

The Administration requested authorization to research a full-time Constable position for the Town of Clayton. With Board authorization, staff will research the Statutory responsibilities of the Constable and the funding of the position, without making any commitments to the project. The Board’s commitment to the project would start with the CY 2019 Budget process in September and the possible authorizing of the position in late CY 2018.

DIRECTION TO STAFF: Proceed with research

- D. Discussion/Action: Town Board review and consideration of closing early on the Town’s note for the final payment for the purchase of the Haase property located on the corner of Clayton Avenue and Shady Lane.

The Administration explained it had received an e-mail from Stuart Beduhn (Stuart), the realtor representing the Haase family regarding the Town’s purchase of the family property

on the southwest corner of Clayton Avenue and Shady Lane. Stuart indicated that the Haase family would like to close early on the Town’s note for the balance of the money (\$557,375.00) the Town owes on the purchase of the property. The early closing would result in a savings in the interest the Town is paying on the note. As a result of the sale of two of the Town owned houses and a portion of the Pillar property the Town has the funds needed to close on the Haase property early. The Administration requested Board authorization to close on the purchase of the Hasse property using the revenue generated by the recent sales of Town owned properties on Clayton Avenue.

MOTION:

Motion by unanimous consent to authorize the early closing on the Haases purchase using the proceeds from the recent sales of Town owned property on Clayton Avenue.

- E. Discussion/Action: Town Board review and consideration of the Town’s Application for the CY 2019 County Bridge Aids Program.

The Board reviewed a copy of the County’s CY 2019 County Bridge/Culvert Aid Program Application. As of CY 2018, the match funding for the Town’s Bridge/Culvert Aid Program comes from the Town’s Storm Water Management Utility. As of the CY 2017 Audit the Storm Water Management Utility owes the Town’s General Fund approximately \$90,000.00. The only qualifying project the Administration has on the Utility’s schedule is the replacement of the two culverts in Center Road approximately ¼ mile north of Shady Lane. Given the development scheduled for the corner of Shady Lane and Center Road and the shape of Center Road in the area of the culverts, staff feels it is more reasonable to replace the culverts when Center Road is reconstructed in the early 2020s. Based on these considerations the Administration recommended that the Town not make an Application for the CY 2019 County Bridge Aids Program.

DIRECTION TO STAFF: To not make a CY 2019 County Bridge Aids Program Application.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance:
 - Board of Review, June 7, 2018, 10:00 a.m. to Noon
- XIV. Board Member Requests for Future Agenda Items:
 - Update to the dredging project between Oakwood and Pioneer
- XV. Adjournment:

MOTION:

Motion made by unanimous consent to adjourn at 7:54 p.m.

Respectfully submitted,
Holly Stevens, Deputy Clerk