

TOWN OF CLAYTON
Town Board of Supervisors
Meeting Minutes

7:00 P.M. – 8:05 P.M. on Wednesday, June 19th, 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	EXCUSED
Supervisor Grundman	PRESENT
Supervisor Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Administrative Assistant Prange	PRESENT
Town Planner – Jon Bartz	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Regular Town Board Meeting – June 5th, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the Town Board Meeting Minutes for Monday, June 5th, 2013.

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

A. No Referrals

V. Correspondence:

- A. Winnebago County Board Meeting, Zoning Report.
- B. Wisconsin Towns Association Legislative Alert.

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

- C. Clayton-Winchester Fire Department
 - 1. Chief Mathison asked Administrator Johnston to pass on to the board that Bob Breaker is in the hospital for serious medical issues.
 - 2. Chairman Luebke added that Supervisor Lettau’s husband is also in the hospital
- D. Larsen Winchester Sanitary District
 - 1. No Report
- E. Administration Comments
 - 1. Administrator/Clerk
 - a. A meeting was set for Chairman Luebke, Administrator Johnston, and Supervisor Geise to review Engineering proposals for CY 2014
 - b. Fox Valley Asphalt has received all escrow checks and the Town Engineer was given the “ok” to move forward with bids.
 - c. Immel (sub-contracted through MCC) will be meeting tomorrow to discuss completion of the AT&T work
 - d. The map for the first part of the work to be done in Oakcrest Manor is complete and an open forum with the residents will be scheduled
 - 2. Engineer:
 - a. Town Planner Bartz provided report
 - 3. Public Works Foreman:
 - a. No Report
 - 4. Treasurer/Deputy Clerk:
 - a. No Report
 - 5. Town Board:
 - a. No Report

VII. Licenses and Permits:

- A. A. New:
 - a. Lauren Boodry
 - b. Heather Webber
 - c. Amanda Erdman
 - d. Samantha Weibel
 - e. Mara Nelson
 - f. Samantha Nelson
 - g. Leah Valentine
- B. Renewal:
 - a. Sarah Fletcher
 - b. Linda Dickman

VIII. Business referred by the Plan Commission:

Town Board receipt, review, and consideration of Plan Commission Referrals:

- Plan Commission Chair Knapinski was present to provide a brief overview of the recommendations

- A. Plan Commission recommendation to the Board on a request by the Petitioner: Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956, to rezone the following property from R-1 (RURAL RESIDENTIAL DISTRICT) to A-2 (GENERAL FARMING DISTRICT). The property located at 3685 Fairview Road, Neenah, WI 54956; specifically described as Tax ID # 006-0405-01, being all of Lot 2 of Certified Survey Map No. 616 Section 15,

Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- **The Commission’s Motion was to recommend approval of the re-zoning request submitted by Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956 subject to staff’s recommended conditions.**
 - Robert Lemke (Property Owner) advised he is looking to combine his properties into the same zoning so he can build another garage

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve the request submitted by Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956 subject to staff’s recommendations

Motion carried by unanimous voice vote.

- B. Plan Commission recommendation to the Board on a request by the Petitioner: the Town of Clayton, 8348 CTH “T”, Larsen, to re-zone the following properties as follows:
 - i. Property owned by Christopher R. Clauson, 8338 CTR “T” Larsen, WI 54947 specifically described as Tax ID# 006-0535-03 all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT) to P-I (PUBLIC INSTITUTIONAL DISTRICT).
 - ii. Property owned by Kenton L. Wiedenbeck, P.O. Box 24, located at 8322 CTR “T”, Larsen, WI 54947; specifically described as Tax ID# 006-0535-06, all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT) to B-3 (GENERAL BUSINESS DISTRICT).

The Administration has copied the e-mail sent to the Town by Jeff Hochtritt, 8323 County Road T, Larsen, WI 54947, into this document. Specifically those portions of the document that are in bold have been copied from Mr. Hochtritt’s e-mail. The Administration’s responses to the concerns raised by Mr. Hochtritt are provided in plain type.

I attended the Town Plan Commission Meeting on Wednesday, June 12th at 7:00 p.m. and believe the Town Planning Commission incorrectly recommended the following zoning items to be approved by the Town Board. Both recommendations are in violation of the zoning code of ordinances based on current land use of the first parcel and the proposed zoning of the second parcel. Please reference the Town Planning Commission meeting agenda that was posted Friday, June 7th, 2013 for the following items:

B. THE PETITIONER: The Town of Clayton, 8348 CTH “T”, Larsen, requests that portions of the following property be rezoned as follows:

1. Property owned by Christopher R. Clauson, 8338 CTR “T” Larsen, WI 54947 specifically described as TAX ID# 006-0535-03 all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT) to P-I (PUBLIC INSTITUTIONAL DISTRICT).

2. Property owned by Kenton L. Wiedenbeck, P.O. Box 24, located at 8322 CTR “T”, Larsen, WI 54947; specifically described as Tax ID# 006-0535-06, all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, to be rezoned from R-1 (RURAL RESIDENTIAL DISTRICT)

to B-3 (GENERAL BUSINESS DISTRICT).

For Planning Commission item B.1 the meeting agenda does not fully describe this “land swap” whereas some of Mr. Clauson’s land goes to the town and some of the town’s land goes to Mr. Clauson. I believe Mr. Clauson’s land is currently, and is being proposed incorrectly as zoned R-1, considering a use of this land is a tavern. Pursuant to Chapter 9 – Town of Clayton Zoning Code of Ordinances Article 8 – Land Use this property should probably be zoned as B-1.

9.08-12(a)(3) describes R-1 zoning district as “intended to accommodate single-family residences on scattered lots to foster and maintain the rural character and lifestyle of the surrounding area,” which does not describe this property. Furthermore exhibit 8-1.6.03 clearly shows Taverns are only allowed in B-1, B-2, B-3 and M-1 zoning districts.

9.08-12(a)(9) describes B-1 zoning district as “intended to accommodate a single retail or service establishment or a small grouping of such establishments that primarily serve the daily needs of residents in the surrounding area. Because this district characteristically is near or within residential areas, standards are designed to ensure the commercial uses are compatible in appearance and character with the surrounding residential uses.” I believe Mr. Clauson’s land should be zoned as B-1 with a conditional use permit needed for operating a tavern in this zoning district.

Mr. Hochtritt’s comments relative to the issue are correct; however, there are certain mitigating issues involved. Commentary on the pending exchange or sale of land was included in the staff report for the Certified Survey Map (CSM) for the properties which was conditionally approved by the Plan Commission at its Wednesday, May 8th, 2013 meeting. One of the conditions of approval of the CSM was approval of the re-zoning in question. The CSM shows the proposed division of the Town, the Clauson, and the Wiedenbeck properties. The Town Board conditionally approved the CSM at its Monday, May 13th, 2013 meeting.

Relative to the R-1 (Rural Residential District) zoning for the Clauson property: when creating a new Zoning Code to replace an existing Zoning Code or when amending/revising an existing Zoning Code, properties will customarily retain their existing zoning designation. In this case, the property was zoned R-1 under the County’s Zoning Code and is therefore zoned R-1 under the Town’s Zoning Code of Ordinances. The property will continue to be zoned R-1 and, as such, will remain a Non-conforming Use under the Zoning Code until the property owner asks for a change in zoning. In this case, the Town and Mr. Clauson are exchanging small segments of property to clarify property lines and to allow the Town to expand its Public Works facility. The segments of property being transferred from Mr. Clauson to the Town are proposed to be re-zoned to P-I (Public Institutional District). This is consistent with the Town’s Zoning Code and the zoning of the adjoining Town owned Property. Those segments of property being transferred from the Town to Mr. Clauson are proposed to be re-zoned to R-1. This zoning classification was chosen by Town staff on the basis of consistency with the existing zoning and the objective of avoiding split zoning on Mr. Clauson’s property. Since the Town is making the application and not Mr. Clauson, the Administration is of the opinion that requiring Mr. Clauson to re-zone his entire property would not likely be considered legal. Additionally, the property being transferred from the Town to Mr. Clauson totals approximately 2,800 square feet and is inconsequential to the use and the operation of the existing facility and property. No matter what the zoning is on the Clauson property (R-1 or B-1), it will be a non-conforming use that will be allowed to remain in operation until the property owner petitions for a change in zoning or a change in operations. The Town’s actions are simply intended to clarify the property lines without negatively impacting Mr. Clauson’s operation.

For Planning Commission item B.2 I do not believe Mr. Wiedenbeck's property qualifies to be changed from R-1 zoning district to B-3 zoning district. Mr. Wiedenbeck's property is listed as 1.299 acres with approximately a total of 60 feet of road frontage on CTR "T." 9.08-12(a)(11) describes B-3 zoning district as "intended to accommodate primarily large-scale commercial projects of regional importance that require access to major road corridors. This district is intended to include one or more parcels of land that as a general rule includes 20 acres or more." Based on the size, location and proposed use this description does not remotely describe this property. Furthermore Exhibit 8-2 describes B-3 Regional business district as needing a minimum lot size of 2.0 acres and a minimum of 300 ft. of road frontage.

Due to the proximity to residential properties on three sides of this parcel I believe the B-1 description described earlier would be the best option if this property would be rezoned from residential to business. However, due to the limited road frontage I do not believe this property qualifies for B-1 or B-2 zoning districts, both of which both require a minimum of 75ft. of road frontage for a sewered lot. With the stated reasons above I believe this property should remain zoned as residential.

Relative to the Wiedenbeck property, Mr. Hochtritt's comments are correct. However, again there are certain mitigating issues involved. The access to Mr. Wiedenbeck's property has always been less than required by code. As a matter of fact, both the duplex and the property to the east of the duplex were listed by the County under a single Tax ID despite the fact that they were clearly two separate properties and that only the duplex portion of the property had sufficient access frontage to meet the Zoning Code requirements. The Wiedenbeck and the former Elmer property (now owned by the Town) have both been considered buildable lots in the past as is evidenced by the existence of the former bar. Based on that consideration and the improved status of the access as a result of the conditionally approved CSM, the Administration has, after consulting with the Town's Planner and the Town's Attorney, recommended that the lot be considered a Lot of Record with Non-conforming Access. Having established that the lot in question was, in the past, considered a buildable lot and, if the rezoning is approved, will be a buildable lot the Administration is making the following recommendation.

The Administration's recommendation relative to the Clauson and the Town properties is to proceed with the rezoning as recommended by the Plan Commission. The Administration's recommendation relative to the Wiedenbeck property is to keep the existing R-1 (Rural Residential District) zoning with the Lot of Record designation. This will allow the property owner the option of petitioning for a re-zoning in the future.

- **The Commission's Motion was to recommend approval of the re-zoning request submitted by the Town of Clayton, 8348 CTH "T", Larsen, subject to approval of the proposed re-zoning application by any overlying unit of government having jurisdiction.**
 - Administrator Johnston discussed the existing zoning staying the same when a new ordinance is developed. Any changes to the Clauson property in the future would require a rezoning request
 - Supervisor Geise questioned the motives for Mr. Hocktritt's concerns
 - Jeff Hochtritt (8323 County Rd T, Larsen, WI) advised he was hoping the property would get cleaned up in the process of rezoning. He is irritated by the appearance and the parking

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Grundman

Motion to approve rezoning from R-1 (RURAL RESIDENTIAL DISTRICT) to P-I (PUBLIC INSTITUTIONAL DISTRICT) ON property owned by Christopher R. Clauson, 8338 CTR “T” Larsen, WI 54947 specifically described as Tax ID# 006-0535-03 all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. And for property owned by Kenton L. Wiedenbeck, P.O. Box 24, located at 8322 CTR “T”, Larsen, WI 54947; specifically described as Tax ID# 006-0535-06, all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, to stay zoned as R-1 (RURAL RESIDENTIAL DISTRICT)

Motion carried by unanimous voice vote.

C. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) submitted by the Petitioner: Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A Kossel 7550 Center Road, Neenah, WI 54956 for property located at 7563 Center Road, and 7550 Center Road, Neenah, WI 54956; specifically described as Tax ID # 006-0823-02, 006-0823-03 and 006-0823, being all of Lots 1, 2, and 3 of Certified Survey Map No.5210, as recorded in Volume 1 of Certified Survey Maps on page 5210, located in the southeast ¼ of the northeast ¼ of Section33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- **The Commission’s Motion was to recommend approval of the CSM for Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A Kossel 7550 Center Road, Neenah, WI 54956 for property located at 7563 Center Road, and 7550 Center Road, Neenah, WI 54956 subject to staff’s recommended conditions and the addition of language identifying the 66-foot frontage of Lot 3 on Center Road as a possible future road right-of-way on the face of the CSM.**

- Janis Williamsen (Property Owner) verified that her mother’s name was no longer on the CSM

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve the CSM for Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A Kossel 7550 Center Road, Neenah, WI 54956 for property located at 7563 Center Road, and 7550 Center Road, Neenah, WI 54956 subject to staff’s recommended conditions and the addition of language identifying the 66-foot frontage of Lot 3 on Center Road as a possible future road right-of-way on the face of the CSM.

Motion carried by unanimous voice vote.

- D. Plan Commission recommendation to the Board on a request by the Petitioners: Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A. Kossel 7550 Center Road, Neenah, WI 54956 to re-zone the following properties from:
- i. R-1 (RURAL RESIDENTIAL DISTRICT) to A-1 (AGRIBUSINESS DISTRICT) property located at 7550 Center Road, Neenah, WI 54956; specifically described as Tax ID # 006-0823, being part of Lot 1 of CSM 5210, Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - ii. A-1 (AGRIBUSINESS DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT) property located at 7563 Center Road, Neenah, WI 54956; specifically described as Tax ID # 006-0823-03, being part of Lot 3 of CSM 5210, Section 33, Township 20

North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- **The Commission’s Motion was to recommend approval of the re-zoning request submitted by Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A Kossel 7550 Center Road, Neenah, WI 54956 for property located at 7563 Center Road, and 7550 Center Road, Neenah, WI 54956 subject to staff’s recommended conditions.**
 - Administrator Johnston advised this was to bring the zoning into conformance with the property lines.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion to approve the property owned by Robert J. and Janis A. Williamsen, 7563 Center Road, Neenah, WI 54956 and Donald A. Kossel 7550 Center Road, Neenah, WI 54956 to be rezoned R-1 (RURAL RESIDENTIAL DISTRICT) to A-1 (AGRIBUSINESS DISTRICT) for property located at 7550 Center Road, Neenah, WI 54956; specifically described as Tax ID # 006-0823, being part of Lot 1 of CSM 5210, Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. And A-1 (AGRIBUSINESS DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT) for property located at 7563 Center Road, Neenah, WI 54956; specifically described as Tax ID # 006-0823-03, being part of Lot 3 of CSM 5210, Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried by unanimous voice vote.

- E. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) submitted by Thompson Custom Homes, W7227 Manitowoc Road, Menasha, WI 54952, for Searl G. and Sally M. Pickett , 39 Tracy Court, Appleton, WI 54915 for property located on Shady Lane, Neenah, WI 54956; specifically described as Tax ID # 006-0279-01, being all of Lot 1 of Certified Survey Map No.2662 being part of the northeast ¼ of the northwest ¼ of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- **The Commission’s motion was to refer the matter back to staff for clarification on the following issues:**
 - **The location of the sanitary facilities on the three proposed Lots.**
 - **The location of the potable water facilities on the three proposed Lots.**
 - **Specificity and documentation on how access will be provided to the three proposed Lots.**

NO MOTION

- F. Plan Commission recommendation to the Board on a request by the Petitioner: Thompson Custom Homes, W7227 Manitowoc Road, Menasha, WI 54952, Property owner, Sally M and Searl G Pickett, 39 Tracy Court, Appleton, WI 54915 to be rezoned from: A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT) property is located on Shady Lane, Neenah, WI 54956; specifically described as Tax ID # 006-0279-01, being all of Lot 1 of Certified Survey Map No. 2662, Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- **The Commission’s motion was to refer the matter back to staff pending clarification on the questions relating to the related CSM.**

NO MOTION

G. Plan Commission recommendation to the Board on a Conditional Use Application submitted by the Petitioner: Tracy L. and Ricky L. Steckling, 3096 Rose Moon Way, Neenah, WI 54956 for the purposes of having up to 5 back yard chickens. The property address that will be subject to the CONDITIONAL USE is 3096 Rose Moon Way, Neenah, WI 54956, specifically described as TAX ID# 006-1728-01, being all of Strawberry Estates Lot 1 & Pt of Lot 2, All Described as Lot 2 of CSM – 6614.2, Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- **The Commission’s motion was to recommend approval of the Conditional Use application for Tracy L. and Ricky L. Steckling, 3096 Rose Moon Way, Neenah, WI 54956 for the purposes of having up to 5 back yard chickens subject to the following conditions:**
 - **There shall be a maximum of 5 chickens.**
 - **There shall be no roosters on site at any time.**
 - **The chickens shall be contained in the coop or in a confined area of the back yard of the property. The chickens shall not be allowed to free range on the property.**
 - **Should the animal husbandry cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.**
 - **Should the Conditional Use terminate, any structures specifically related to the animal husbandry and with no alternate use shall be removed.**
 - **The Applicant shall pay any fees related to the Conditional Use process and/or obtain any required building permits.**

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve the Conditional Use application for Tracy L. and Ricky L. Steckling, 3096 Rose Moon Way, Neenah, WI 54956 for the purposes of having up to 5 back yard chickens subject to the conditions listed.

Motion carried by 3-1 voice vote. Chairman Luebke voted “NO”.

H. Plan Commission recommendation to the Board on a Site Plan approval for a monument sign to be located on the Breezewood Lane frontage of the Brennand Airport, application submitted by Appleton Sign, 2400 Holly Road, Neenah, WI 65956, for High Flying Investments LLC, 4705 Indian Bend Road, Oshkosh, WI 54904, site located at 3282 Breezewood Lane, Neenah, WI 54956, Tax ID # 006-0877-04.

- **The Commission’s motion was to recommend approval of the Site Plan application for a monument sign to be located on the Breezewood Lane frontage of the Brennand Airport located at 3282 Breezewood Lane, Neenah, WI 54956 subject to staff’s recommended conditions.**

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion to approve the recommended Site Plan application for a monument sign to be located on the Breezewood Lane frontage of the Brennan Airport located at 3282 Breezewood Lane, Neenah, WI 54956 subject to staff's recommended conditions.

- I. Plan Commission recommendation to the Board on a Site Plan Amendment approval for additional parking lot improvements for MAG Properties LLC 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill, 2788 Towne Court, Neenah, WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton.
 - **The Commission's motion was to recommend approval of Site Plan Amendment application for additional parking lot area improvements for MAG Properties LLC, 1219 Appleton Road, Menasha, WI 54956, d.b.a. Headliners Bar and Grill, 2788 Towne Court, Neenah, WI 54956 subject to completing a more detailed Site Plan and Landscaping Plan prior to submission to the Town Board.**

NO MOTION

- J. Plan Commission recommendation to the Board on a Site Plan Amendment approval to eliminate an access point on Winncrest Road for Matrix Machine, 2795 Towne Court, Neenah, WI 54956, Tax ID# 006-0620-08.
 - **The Commission's motion was to recommend approval of Site Plan Amendment application to eliminate an emergency access point on Winncrest Road for Matrix Machine, 2795 Towne Court, Neenah, WI 54956, Tax ID# 006-0620-08 subject to concurrence by the Clayton/Winchester Fire Department.**
 - Discussed the purpose of the access and how it currently has no use
 - Fire Chief Mathison has advised that if any future site plans are submitted for this building, they will need to incorporate an access into the Southern side of the building and have gravel along the full back side

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve the Site Plan Amendment application to eliminate an emergency access point on Winncrest Road for Matrix Machine, 2795 Towne Court, Neenah, WI 54956, Tax ID# 006-0620-08 subject to concurrence by the Clayton/Winchester Fire Department.

Motion carried by unanimous voice vote.

- K. Plan Commission recommendation to the Board relative to the Town Planner's recommendations for consistency between the Town's newly adopted Zoning Code of Ordinances, the Town's Site Plan Ordinance, the Town's Parking Ordinance, and the Town's Sign Ordinance.
 - **The Commission's motion was to recommend inclusion of the changes to the Town's Zoning Code of Ordinances recommended by the Town Planner and, in the interest of expediency, to forward the Document to the State for its review and edit.**

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve the recommendation for inclusion of the changes to the Town's Zoning Code of Ordinances recommended by the Town Planner and, in the interest of expediency, to forward the Document to the State for its review and edit.

IX. Green Space – Town Board receipt, review, and consideration of Green Space Committee Referrals:

A. No Referrals

X. Business:

A. Discussion/Action: Town Board Reorganizational Business:

a. Board Appointments

i. Zoning Board of Review (1) position serving 2-year term to start on May 1st, 2013.

ii. Name to be presented by the Town Chair

The Town Chair has indicated that he would like to appoint, subject to Board approval, Jeffrey Boe, 8315 State Road “76”, Neenah, WI 54956 to a 2-year term on the Town’s Zoning Board of Review starting on May 1st, 2013.

MOTION:

Motion made by unanimous consent to appoint Jeffrey Boe, 8315 State Road “76”, Neenah, WI 54956 to a 2-year term on the Town’s Zoning Board of Review starting on May 1st, 2013.

B. Discussion/Action: Town Board review and consideration of an Engineering proposal to prepare Bid Documents for the following Town projects:

- i. Pulverize and double chip sealing Shady Lane (from approximately 1,500 feet west of Center Road to Pioneer Road).
- ii. Pulverize and double chip seal Medina Junction Road from North Loop Road to the Canadian Notional Railroad tracks.
- iii. Double chip sealing Fairview Road from Oakridge Avenue to Pioneer Road.
- iv. Replace the cross culverts on Center Road approximately 1,500 feet south of Winnegamie Drive (CY 2013 County Bridge Aids Project).

The Administration has come to the conclusion that it cannot get where it wants to go from where it is. Attached please find a copy of a map identifying the areas where, in the last three weeks) staff has had conversations with residents on the condition of the Town’s Public Infrastructure. As is evident by the conversations, the Town’s residents want their Public Infrastructure improved. In the past the Administration has taken the position that it was better to fix once than to patch over and over again prior to fixing. That position has changed, and in light of that change, the Administration has asked the Town’s Engineer to prepare a simple bid document that will allow the Town to bid the chip sealing the above listed roads and to replace the specified culvert as the Town’s CY 2013 County Bridge Aids project. The culvert replacement is part of the improvements to the drainage basin in the northeast quadrant of Town; specifically, the basin that generally starts at STH “76” north of Shady Lane and flows west to the Rat River Preserve. The chip seal projects are similar to the County’s recent chip seal of CTH “II” west of USH “76”. Unfortunately, the base of the Town Roads is not as good as the County highways. In the case of Shady Lane and Medina Junction Road the Town is likely to do no better than to pulverize and chip seal the road every four to five years. Staff has tried to identify the Town Roads that would benefit from chip sealing as a way of efficiently buying time before they are rebuilt. Unfortunately, many of the Town Roads are almost past the point where chip sealing will do much good. In many cases the shoulders of the roads are gone, the pavement edge is breaking away and vegetation has been allowed to undermine the shoulders of the paved

surface. As of today, staff believes that the following Town Roads would not benefit from the chip seal process:

- Clayton Avenue between CHT “II” and Larsen Road. The substructure of the road is in poor condition and the pavement is so far gone that chip sealing will only last a few years before it fails.
- Larsen Road between STH “76” and Oakwood Avenue. The substructure is good but the pavement surface is in poor condition and the pavement shoulders are breaking away.
- Fairview Road between STH “76” and Oakwood Road. The road has significant heavy traffic and should be rebuilt to a higher pavement standard.

The Administration believes that over the course of the next 5 to 10 years the Town could back into a planned road maintenance schedule by starting with chip sealing the listed roads and, as the funds become available, moving into the reconstruction of those roads that would not benefit from the chip sealing process. In order to start the process, the Administration has asked the Town’s Engineer to submit an Agreement for Professional Services for the engineering work required to bid the chip sealing and culvert replacement projects. Should the Board agree with the Administration’s conclusion a motion would be in order to approve the Agreement for Professional Services in the amount of \$7,350.00 with funding to come from the Town’s CY 2013 General Fund Budget, Engineering Line Item. Additionally, staff is working on updating the Town’s 5-Year Capital Plan and 50% of the Engineering costs related to the culvert replacement can be charged back to the County on the Bridge Aids Program.

- Administrator Johnston advised that chip sealing will buy the Town time before rebuilding roads. Some roads are unable to be fixed with chip sealing

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Schmidt

Motion to approve the Agreement for Professional Services in the amount of \$7,350.00 with funding to come from the Town’s CY 2013 General Fund Budget, Engineering Line Item.

Motion carried by unanimous voice vote.

- C. Discussion/Action: Town Board review and consideration of the allocation of the costs of maintaining and equipping the real property (building) and personal property (equipment) of the Town’s Fire Hall.

The Town Chair has asked that this item be placed on the Agenda so that the Board can clarify what the Town’s policy is going to be relative to the cost of maintenance of the new Town/Fire Hall. Much like a business, the Administration looks at the building as Real Property and the fixtures and equipment as Personal Property. Given the manner in which the Town operates, the responsibility for maintaining the Real Property would fall to the Town and the responsibility for the Personal Property would fall to the Joint Fire Department (Department). The only real questions that need to be answered are: (1) at what point does property transition from Real Property to Personal Property and (2) what is the Town’s Policy relative to how expenses for the Real Property are authorized? In the case of the transition from Real Property to Personal Property, it occurs at the point of contact: for example, in the case of the vehicle exhaust system, the transition point is the connection to the track, but in the case of the door opener, the transition is the door opener. When it comes to the building: those items that are permanently mounted to the building are the Town’s; and those items that are in the building are personal property and therefore, the responsibility of the Department. The Administration believes that, with the exception

of an emergency, the Department should have to follow the Town's Purchasing Policy for replacement and/or repair of the Real Property in the Town/Fire Hall structure.

- This item will be added to the agenda for the Joint Fire Board Meeting on June 24, 2013 and will include the provision that if the Town's Purchasing Policy is not followed, the Joint Fire Department will be responsible for the costs.

NO MOTION

- II. Upcoming Meeting Attendance
 - A. Joint Fire Board Meeting – Monday June 24, 2013 at 7:00 P.M.
- III. Board Member Requests for Future Agenda Items
 - A. None
- IV. Review of Disbursements
 - A. None
- V. Adjournment – 8:05 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant