

TOWN OF CLAYTON

Town Board of Supervisors

Meeting Minutes

7:00 P.M. – 8:01 P.M. on Wednesday, September 18th, 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
Treasurer Bowen	PRESENT
Town Planner – Jon Bartz	PRESENT
Town Engineer – Mary Jo Miller	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Approval of the Minutes of the First CY 2014 Budget Review Workshop held from 9:00 A.M. to 11:00 A.M. on Tuesday, September 3rd, 2013.

B. Approval of the Minutes of the Special Town Board Meeting held at 6:00 P.M. on Wednesday, September 4th, 2013.

C. Approval of the Minutes of the Regular Town Board Meeting – September 4th, 2013.

MOTION:

Motion made by unanimous consent to approve the minutes of the First CY 2014 Budget Review Workshop held from 9:00 A.M. to 11:00 A.M. on Tuesday, September 3rd, 2013.

Motion made by unanimous consent to approve the Minutes of the Special Town Board Meeting held at 6:00 P.M. on Wednesday, September 4th, 2013

Motion made by unanimous consent to approve the Minutes of the Regular Town Board Meeting – September 4th, 2013

- IV. Open Forum – Non-Agendized Town-related Matters:
 - A. No Referrals

- V. Correspondence:
 - A. Notice from the Winnebago County Zoning Department.
 - B. Distribution of a copy of a Memorandum from the Winnebago County, Solid Waste Management Board on increases to the 2014 Standard Solid Waste Tipping Fee.
 - C. Winnebago County Zoning Department Notice of Violation.

- VI. Discussion Items (No action will be taken.):
 - A. County Supervisor Report
 - 1. Chuck Farrey reporting
 - 2. Town of Vinland has completed their Farmland Preservation and submitted to State
 - 3. A \$2 million reconstruction of the County Park has been approved
 - B. Winnebago County Sheriff’s Department – Public Concerns and Issues
 - 1. No Report
 - C. Clayton-Winchester Fire Department
 - 1. No Report
 - D. Larsen Winchester Sanitary District
 - 1. No Report
 - E. Administration Comments
 - 1. Engineer
 - a. Engineer Miller provided a status report
 - b. Immel has started putting piping in for the Ridgeway Drive Subdivision Project. MCC will be in early next week to prep for the paving
 - c. Fox Valley Asphalt project is just waiting for the letter of credit
 - d. Oak Openings project is waiting for contracts back from the contractors
 - 2. Administrator/Clerk
 - a. Administrator Johnston advised the FVA project is waiting for a letter of credit
 - b. Outlot in Metzsig Hills has been taken over by the County
 - c. Reviewed a speed report on Umland/Hickory from the Sheriff’s Department
 - d. Discussed the letter to residents of Oak Openings
 - 3. Public Works Foreman:
 - a. No Report
 - 4. Treasurer/Deputy Clerk:
 - a. Treasurer Bowen advised she is working on the budget and wrapping up the Town Hall Construction project
 - 5. Town Board:
 - a. Chair Luebke advised he attended a Government Issues’s Council Meeting and discussed topics covered

- VII. Licenses and Permits:
 - A. New:
 - i. Tesha Butler
 - ii. Candy Eake

 - B. Renewal:
 - i. No Renewal Licenses Issued

VIII. Business referred by the Plan Commission:

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

- Plan Commission Chair Knapinski reviewed the items listed

A. Plan Commission recommendation to the Board on a rezoning request submitted by Scott J. Sedo, 9502 Center Road, Neenah, WI 54956, requests that the following property be rezoned from R-2 (SUBURBAN RESIDENTIAL DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT). The property is located at 9502 Center Road, Neenah, WI 54956, specifically described as part of Tax ID# 006-1242, being part of Lot 2, Winagamie Subdivision, Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Scott J. Sedo
 9502 Center Road
 Neenah, WI 54956

Property Owners: Scott J. Sedo Winagamie, Inc.
 9502 Center Road 3501 Winnegamie Drive
 Neenah, WI 54956 Neenah, WI 54056

Prepared for: Scott J. Sedo
 9502 Center Road
 Neenah, WI 54956

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: R-2 (Suburban Rural District)
 - b) South: A-2 (General Farming District)
 - c) East: R-2 (Suburban Rural District)
 - d) West: A-2 (General Farming District)

Property Information Specific to Tax ID# 006-1242:

1. The property is owned by Winagamie, Inc., 3501 Winnegamie Drive, Neenah, WI 54056.
2. The Lot is 1.120 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The Lot is currently zoned R-2 (Suburban Residential District).
6. The property is in the Outagamie County Airport Overlay Height Restriction Area.
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is not in the County’s Wetland Identifier.

Staff Comments:

1. The Applicant recently submitted a Certified Survey Map (CSM) for the property that is consistent with the Town’s approved Future Land Use Plan.
2. The proposed CSM consolidates two existing properties and a portion of a third property (Tax ID #006-1242) into a single property.
3. The recently submitted CSM consolidated the two properties owned by Mr. Sedo (Tax ID # 006-0049-01 and Tax ID# 006-0049-02), and a recently purchased (approximately 20x175 foot) piece of property from the adjoining lot to the east (Tax ID# 006-1242).

4. Lot 1 of the recently submitted CSM has dual zoning, R-1 (Rural Residential District) on the Sedo property and R-2 (Suburban Rural District) on the 20 x175 foot piece of property purchased from the adjoining lot (Tax ID# 006-1242).
5. One of the conditions of approval of the recently submitted CSM includes re-zoning all of Lot 1 of the proposed CSM to R-1 (Rural Residential District).
6. If approved, the Re-zoning Application submitted by Mr. Sedo will meet the requirement to eliminate the split zoning on the consolidated property.

Staff Recommendations:

Staff recommends approval of the Re-zoning Application subject to the following conditions:

1. Approval by the County of the Application to Re-zone Lot 1 of the proposed CSM from R-1 (Rural Residential District) and R-2 (Suburban Rural District) to R-1 (Rural Residential District).
2. Documentation of the approval of the proposed Re-zoning by any overlying unit of government having jurisdiction.

Plan Commission Action:

MOTION:

Motion by: Commissioner Klingenberger

Seconded by: Commissioner Schmidt

Motion: To recommend approval of the rezoning as presented with conditions recommended by staff.

Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to approve the Rezoning Request submitted by Scott Sedo as presented with conditions recommended by Staff

Motion carried by unanimous voice vote.

- B. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) submitted by Daniel G. Olson, 4891 North Loop Road, Larsen, WI 54947, for property located at 4891 North Loop Road, Larsen, WI 54947; specifically described as Tax ID # 006-0186, being part of the Southwest ¼ of the Northwest ¼ and a part of the Southeast ¼ of the Northwest ¼ of Section 7, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Daniel G. Olson
 4891 North Loop Road
 Larsen, WI 54947

Property Owners: Daniel G. Olson
 4891 North Loop Road
 Larsen, WI 54947

Consultant: L. C. Kriescher and Associates, LLC – S-1599
 P.O. Box 14

140 West Main Street
Winneconne, WI 54986

Prepared for: Daniel G. Olson
4891 North Loop Road
Larsen, WI 54947

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: A-2 (General Agriculture District)
 - b) South: A-2 (General Agriculture District)
 - c) East: A-2 (General Agriculture District) and R-1 (Rural Residential District)
 - d) West: Town of Winchester Zoning

Property Information Specific to Tax ID # 006-0186:

1. The property is owned by Daniel G. Olson, 4891 North Loop Road, Larsen, WI 54947.
2. The Lot is 36.139 acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The Lot is currently zoned A-2 (General Agriculture District).
6. The property is out of the County's Floodplain Zoning Area.
7. The property is not in the County's Wetland Identifier.

Staff Comments on the CSM Approval Application:

1. The proposed CSM is consistent with the Town's approved Future Land Use Plan.
2. The proposed CSM dedicates approximately 0.982 of an acre as the public right-of-way of North Loop Road to the Town.
3. The proposed CSM divides a single parcel into two new parcels one of which contains the existing house and farm outbuildings.
4. The CSM has notes on it that indicate that one of the existing outbuildings will be removed and a second building will be moved in order to comply with the setback requirements of the Town's Zoning Code of Ordinances.
5. If the proposed CSM is approved and the work identified in the notes is completed, all of the structures on the property will comply with the setback requirements of the Town's Zoning Code of Ordinances.
6. The proposed CSM does contain the Right to Farm Language required by the Town.
7. The existing properties and the proposed consolidated property comply with the frontage requirements of the Town's Zoning Code of Ordinances and Access Ordinance.
8. Based on the proposed CSM, it appears that ingress and egress from the residential site will remain as it is.
9. A condition of approval of the proposed CSM should include re-zoning Lot 1 of the proposed CSM to R-1 (Rural Residential District).

Staff Recommendations on the CSM submittal:

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Re-zoning Lot 1 of the proposed CSM from A-2 (General Agricultural District) to R-1 (Rural Residential District).

- 2. Completion of the work identified in the notes on the face of the CSM so that all of the structures on Lot 1 comply with the Town’s Zoning Code of Ordinances.
- 3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Plan Commission Action:

MOTION:

Motion by: Commissioner Eckstein

Seconded by: Commissioner Schmidt

Motion: To recommend approval of the CSM as presented with conditions recommended by staff.

Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Grundman

Motion to approve the CSM submitted by Daniel G. Olson as listed on the agenda with all Staff recommendations

Motion carried by unanimous voice vote.

- C. Plan Commission recommendation to the Board on a rezoning request submitted by Daniel G. Olson, 4891 North Loop Road, Larsen, WI 54947, requests that a portion of the following property be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT). The property is located at 4891 North Loop Road, Larsen, WI 54947; specifically described as Tax ID # 006-0186, being part of the Southwest ¼ of the Northwest ¼ and a part of the Southeast ¼ of the Northwest ¼ of Section 7, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Daniel G. Olson
 4891 North Loop Road
 Larsen, WI 54947

Property Owners: Daniel G. Olson
 4891 North Loop Road
 Larsen, WI 54947

Consultant: L. C. Kriescher and Associates, LLC – S-1599
 P.O. Box 14
 140 West Main Street
 Winneconne, WI 54986

Prepared for: Daniel G. Olson
 4891 North Loop Road
 Larsen, WI 54947

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: A-2 (General Agriculture District)

- b) South: A-2 (General Agriculture District)
- c) East: A-2 (General Agriculture District) and R-1 (Rural Residential District)
- d) West: Town of Winchester Zoning

Property Information Specific to Tax ID # 006-0186:

- 1. The property is owned by Daniel G. Olson, 4891 North Loop Road, Larsen, WI 54947.
- 2. The Lot is 36.139 acres in size.
- 3. The property is in the Winneconne School District (6608).
- 4. The property is in the Department of Natural Resources Special Well Casing area.
- 5. The Lot is currently zoned A-2 (General Agriculture District).
- 6. The property is out of the County’s Floodplain Zoning Area.
- 7. The property is not in the County’s Wetland Identifier.

Staff Comments on the Re-zoning Application:

- 1. The proposed Re-zoning is consistent with the Town’s approved Future Land Use Plan.
- 2. Given the 5-acre minimum Lot size required by the Town’s Zoning Code of Ordinances for the A-2 (General Agricultural District) classification, staff is recommending that the property be re-zoned to R-1 (Rural Residential District).
- 3. In order to expedite the process staff has published the required Public Notice so that the recommended Re-zoning Application can be considered at the same meeting as the CSM submittal.
- 4. If the proposed CSM is approved, a condition of recommendation for the proposed Re-zoning Application should include completing the work identified in the notes on the face of the CSM so that all of the structures on the property will comply with the setback requirements of the Town’s Zoning Code of Ordinances.

Staff Recommendations on the Re-zoning Application:

Staff recommends approval of the proposed Re-zoning Application from A-2 (General Agricultural District) to R-1 (Rural Residential District) subject to the following conditions:

- 1. Completion of the work identified in the notes on the face of the CSM so that all of the structures on Lot 1 comply with the Town’s Zoning Code of Ordinances.
- Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Plan Commission Action:

MOTION:

Motion by: Commissioner Klingenberg

Seconded by: Commissioner Eckstein

Motion: To recommend approval of the rezoning as presented with conditions recommended by staff.

Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion to approve the Rezoning Request submitted by Daniel G. Olson along with all Staff recommendations as presented

Motion carried by unanimous voice vote.

D. Plan Commission recommendation to the Board on a Conditional Use Application submitted by Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956, for operating a landscaping business on property zoned A-2 (GENERAL FARMING DISTRICT). The property is located at 2847 Larsen Road, Neenah, WI 54956; specifically described as Tax ID # 006-0645-01, being part of the Northwest ¼ of the Northwest ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Jason Ehrmentraut
2847 Larsen Road
Neenah, WI 54956

Property Owners: Jason Ehrmentraut
2847 Larsen Road
Neenah, WI 54956

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: R-2 (Suburban Residential District)
 - b) South: A-2 (General Agriculture District)
 - c) East: R-2 (Suburban Residential District)
 - d) West: B-3 (General Business District)
R-1 (Rural Residential District)
A-2 (General Agriculture District)
R-2 (Suburban Residential District)

Property Information Specific to Tax ID# 006-0645-01:

1. Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956.
2. The Lot is 6.960 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has an Officially Mapped 80-foot right-of-way on the STH “76” frontage.
6. The Lot is currently zoned A-2 (General Agriculture District).
7. The property is in the City of Neenah Extraterritorial Zoning District.
8. The property is out of the County’s Floodplain Zoning Area.
9. The property is not in the County’s Wetland Identifier.

Staff Comments:

1. Jason has operated Earthscape Landscaping on the existing site for a number of years while the Town was under County Zoning Jurisdiction. The County had advised Jason that under the County’s Zoning Code he needed to apply for a Conditional Use Permit to operate a landscaping business in the A-2 (General Agriculture District) zoning district. When the Town adopted a Zoning Code of Ordinances the County forwarded any enforcement action to the Town based on Town Ordinances.
2. Staff did advise Jason that the Town’s Zoning Code of Ordinances requires a Conditional Use Permit for a landscaping business in an A-2 (General Agriculture District) (see attached).

3. Please be advised that the Town’s Future Land Use Map does show the subject property as residential. However, Jason is not asking to change the zoning of the property, only to be granted a Conditional Use for an extant business. It is the Administration’s opinion that this process does not require a change/amendment to the Town’s Comprehensive Plan.
4. The site consists of a residential structure, several permanent outbuildings that are used for vehicle, equipment and inventory storage, a row of material storage bunkers along the south property line, one temporary greenhouse unit and a large planting area on the southeast corner of Larsen Road and STH “76” (see attached aerial photograph).
5. The only significant source of resident complaints from the business operation has been the truck that was used as a sign on the STH “76” frontage; based on a site visit the Administration has determined that the truck/sign has been removed.
6. Jason has been contacted relative to any signage he may wish to install on the site. Jason has indicated that he would like to install a County/Town Ordinance compliant sign on the southwest corner of the property (STH ‘76” frontage in the area where the truck/sign was).
7. Should the Commission recommend and the Board accept, the concept of a County/Town Ordinance compliant sign in that location as part of the Conditional Use Permit would significantly simplify the future placement of the proposed sign.
8. Other than the removal of the truck/sign, continued operation of the landscaping firm in the extant location should not significantly impact the present and/or future land uses.
9. Please be advised that this does not mean that the landscaping business may not change or be moved over time, simply that future development in the area will occur given the existing business and land uses.

Staff Recommendations:

Staff recommends approval of the proposed Conditional Use Application for the purposes of operating a landscaping business in the A-2 (General Agriculture District) zoning district subject to the following conditions:

1. That the Plan Commission recommend and the Town Board approve the site for a future sign on the southwest corner of the property (STH “76” frontage).
2. That any future sign be County/Town Ordinance compliant.
3. That any future sign be approved by the Town’s Plan Commission.
4. That any outside storage of equipment, material and inventory be conducted off of the STH “76” and Larsen Road frontage of the property.
5. That the Applicant pays all fees related to the Conditional Use Permit Application.
6. Any other conditions the Plan Commission may wish to recommend to the Town Board.

Plan Commission Action:

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Klingenberger

Motion: To recommend approval of the Conditional Use Application as presented with conditions recommended by staff and the following conditions recommended by the Plan Commission:

- I. Recommending that any future signs be recommended by the Plan Commission and approved by the Board as required by the Town’s Ordinances.
 - II. Recommending that the approved hours of operation be from 6:00a.m. to 8:00 p.m.
- Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to approve the Conditional Use Application submitted by Jason Ehrmentraut as listed in the packet with the recommendations from Staff and the Plan Commission.

Motion carried by unanimous voice vote.

- E. Plan Commission recommendation to the Board on a Site Plan Application approval for a wall sign for Cintas Document Management at 9087 Westphal Lane, Neenah, WI 54956, specifically identified as Tax ID # 006-0320-03-01.

Applicant: Jim Wehausen
 ORDE Sign and Graphics
 1825 Nimitz Drive
 De Pere, WI 54115

Property Owner: Westphal Lane North, LLC.
 1953 Shady Lane
 Neenah, WI 54956

Property Status:

The statements on the status of the property are specific to the proposed project site.

- 1. The property owner is Westphal Lane North, LLC.
- 2. The property Tax ID is # 006-0320-03-01.
- 3. The property consists of approximately 3.69 acres.
- 4. The property is in the Neenah School District (3892).
- 5. The property is in the Department of Natural Resources Special Well Casing Area.
- 6. The property is currently Zoned I-1 (LIGHT INDUSTRIAL DISTRICT).
- 7. The property is in the Outagamie County Airport Overlay Zoning District, Zone-3.
- 8. The property is out of the County’s Floodplain Zoning Area.
- 9. The property is not in the County’s Wetland Identifier.
- 10. The land use is consistent with the Town’s adopted Land Use Plan.

Application Details:

It appears that the owner of the property is leasing the site to Cintas Document Management and they, as the tenants, are applying for approval of a new sign for the facility. The Town’s Zoning Code of Ordinances allows wall signs in the I-1 (Light Industrial District) (see attached). The site is on Westphal Lane west of STH “76” and only nominally visible from either STH ‘76” or USH “10” (see attached aerial photograph).

Sign Details:

The sign consists of the following:

- 1. An 8’ x 3’10” wall sign that will be affixed to the east façade over the main entrance to

- the building.
- 2. Based on the location of the building the wall sign is likely to only be visible by customers of the firm approaching from West American Drive.
- 3. The color palate and layout of the sign match the logo used by Cintas Document Management (see attached).

Staff Comments:

The Site Plan for the signs is complete and meets the I-1 (Light Industrial District) sign code requirements. Staff recommends approval of the Site Plan Application for a wall sign at the Cintas Document Management facility located at 9087 Westphal Lane, Neenah, WI 54956 with the following conditions:

That the contractor verifies the need for a building permit for the proposed sign with the Town’s Building Inspector.

Plan Commission Action:

MOTION:

Motion by: Commissioner Klingenberger

Seconded by: Commissioner Haskell

Motion: To recommend approval of the Site Plan Application as presented and with conditions recommended by staff.

Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Grundman

Seconded by: Supervisor Geise

Motion to approve the Site Plan Application and wall sign for Cintas

Motion carried by unanimous voice vote.

- F. Plan Commission recommendation to the Board on a Site Plan Application for a building expansion project for Tuttle Lake Wood Working Inc., 2923 West American Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0320-03.

Applicant: Randy Doege, Owner
 Tuttle Lake Wood Working Inc.
 2923 West American Drive
 Neenah, WI 54956

Property Owner: Randy Doege
 2923 West American Drive
 Neenah, WI 54956

Consultant: Ben Hamblin, P.E.
 McMahan Associates, Inc.
 1445 McMahan Drive
 Neenah, WI 54956

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: A-2 (General Agriculture District), and R-1 (Rural Residential District)

- b) South: A-2 (General Agriculture District), R-1 (Rural Residential District), and B-3 (General Business District)
- c) East: B-3 (General Business District), A-2 (General Agriculture District) and R-1 (Rural Residential District)
- d) West: A-2 (General Agriculture District), and I-1 (Light Industrial District)

Property Information Specific to Tax ID# 006-0320-03):

- 1. The property is owned by Randy Doege.
- 2. The Lot is 1.789 Acres in size.
- 3. The property is in the Neenah School District (3892).
- 4. The property is in the Department of Natural Resources Special Well Casing area.
- 5. The Lot is currently zoned I-1 (Light Industrial District).
- 6. The property is in the Outagamie County Airport Overlay District, Zone 3.
- 7. The property is in the Outagamie County Airport Overlay Height Zoning.
- 8. The property is out of the County’s Floodplain Zoning Area.
- 9. The property is not in the County’s Wetland Identifier.

Application Details:

- 1) The petitioner is proposing to add a 40’ x 40’ (1,600 square foot) addition to the building located on the south property line of the site (see floor plans and building elevations). The proposed addition will be constructed over what was the driveway to the existing building and a small portion of the existing lawn. The addition will require the removal of one existing tree. As part of the construction project the west access to the site on Westphal Lane will be reconstructed. Generally speaking, the addition will be slightly taller than the existing building (by approximately 2-3 feet) and will match the existing building in materials and colors. The landscaping and esthetic requirements of the Town’s Site Ordinance will be focused on the building facades that are most visible to the public from STH “76”. Pursuant to the following Section from the Town’s Site Plan Review Ordinance, Section 2.0, General Provisions of the Town Site Plan Ordinance, the project is subject to the Town’s Site Plan Ordinance. Based on this Section the following areas of the project are subject to review:
 - a) Stormwater Management for the Site
 - b) Access to the Site
 - c) Building Details
 - d) Building Elevations and Construction Materials
 - e) Building Colors
 - f) Parking
 - g) Site Landscaping

The Town’s Site Plan Ordinance sets the standards for review by development area. The proposed site is in the Town’s Zone B, Development Standards Area (see attached).

Stormwater Management for the Site:

The stormwater management function for the proposed project comes from the County’s and Town’s storm water management ditch system. Conceptually, the stormwater from the project area flows west to east in a swale on the south property line of the site. The Site Plan calls for re-grading of the swale and the addition of a small rain garden on the southeast corner of the site. The rain garden should filter and infiltrate minor storm water flows before they reach the storm water management ditch system; major storm water

flows will find their way directly into the storm water management ditch system. From the regulatory perspective, the project does not reach the threshold for onsite storm water management (see attached drainage plan).

Access to the Site:

Access to the site comes from a public road known as West American Drive and from Westphal Lane. As part of the construction project, the access to the site on Westphal Lane will be reconstructed. Staff has provided the applicant with an access permit and a culvert permit so that if the access culvert is replaced, the new culvert can be made to comply with the Town's Ordinance. When completed, the Westphal Lane driveway and access will be paved with an asphaltic surface.

Building Details:

The proposed building is a typical commercial building consisting of a steel structure with prefinished metal siding and roofing. The warehouse/shop addition to the building is designed as a slightly taller extension to the west end of an existing building and will be constructed with matching colors and materials (see attached elevations).

Parking:

The project has no impact on the existing parking facilities and generates no need for additional parking for the site.

Site Landscaping:

The landscaping plan consists of the following features:

- 1) Six new trees will be planted on the southeast corner of the site and one tree will be removed from the footprint of the proposed addition to the existing building (see landscaping plan).
- 2) Sixty plus plantings will be placed around the existing buildings, the new addition, and the east frontage of the existing parking lot. The plantings on the east frontage of the existing parking lot will be in the STH "76" right-of-way and subject to a permitting process.

Staff has worked with the owner and consultant to focus the landscaping on the façade and the portion of the site that face STH "76" rather than trying to improve the site around the building addition. Additionally, the owner, the consultant, and staff have tried to improve storm water management on the site with landscaping features that will improve the quality and quantity of the small scale storm water runoff from the site (see attached landscaping plan).

Staff Comments:

The Site Plan Application, as presented, is complete and accurate. Staff has no questions relative to the application as it relates to the Town's Site Plan Ordinance. Should the Plan Commission agree with staff's application of the Town's Site Plan Review Ordinance, the Administration recommends approval of the Site Plan with the following conditions:

1. That the Applicant obtains any and all Building Permits required for the project.
2. That the Applicant obtains an Outagamie County Airport Overlay Zoning Ordinance Approval for the proposed project.
3. That the Commission and the Board agree to the lack of accents and limited landscaping on the western façade of the addition to the existing building.

4. That the Applicant signs a Site Plan Approval document drafted by Town staff.
5. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.
6. That the Applicant agrees to any additional conditions placed on the project by the Plan Commission and the Town Board.

Plan Commission Action:

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Haskell

Motion: To recommend approval of the Site Plan Application for a Wall Sign as presented with conditions recommended by staff.

Motion carried by unanimous voice vote.

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion to approve the Site Plan Application for a building expansion project for Tuttle Lake Woodworking, Inc. along with all Staff recommendations and conditions

Motion carried by unanimous voice vote.

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

- A. No Referrals

X. Business:

- A. Discussion/Action: Town Board review and consideration of the approval of a 3-year Contract for Municipal Engineering Services to the selected respondent to the Town's Request for Proposals, Martenson & Eisele, Inc. with a starting date of January 1st, 2014.

The Board has selected Martenson & Eisele, Inc. as the Town's Engineering Firm from the respondents to the Town's RFP. The costs for the Engineering Services Agreement with Martenson & Eisele, Inc can be summarized as follows:

1. \$ 1,100.00 per month for routine meeting attendance at the Town Board Meetings, the Plan Commission Meetings, and the Green Space Committee on an as needed basis. The fee also includes Town Board and staff support with engineering and planning issues.
2. Project Engineering will be provided on a discounted RFP and Scope of Services basis.
3. Additional General Consulting Services, i.e. maps, etc. will be billed at a time and materials basis.

Attached please find an Agreement for Professional Services prepared by Martenson & Eisele, Inc. that reflects the conditions set for by the Board. Should the Board wish to proceed with the approval of the Agreement for Professional Services and the Appointment of the Town Engineer, a motion would be in order to approve the Agreement

for Professional Services as presented and to continue the Appointment of Martenson & Eisele, Inc. as the Town’s Engineer through December 31st, 2016.

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Geise

Motion to approve the Agreement for Professional Services as presented and to continue the Appointment of Martenson & Eisele, Inc. as the Town’s Engineer through December 31st, 2016

Motion carried by unanimous voice vote.

- B. Discussion/Action: Town Board review and consideration of staff’s summary of the accounting for the Town/Fire Hall renovation project.

The Town Treasurer (Tori) will be present to review the revised summary of the accounting for the Town/Fire Hall renovation project. Town staff will need to meet again with representatives from Cardinal Construction to clarify several issues Tori has identified with the accounting for the project. Specifically, Tori has identified several changes to the figures in the original contract that appear to re-assign costs from a line item that was eliminated to other line items. This process resulted in what should have been a reduction in the Contract costs, to being a zero sum change. The Administration would like to clarify this issue in a timely fashion so that the project can be closed and staff can move on to other issues such as the Budget, the preparation of the Town’s Tax Bills and the preparations for the Spring Election. If the Board is comfortable with the summary accounting for the project the Administration would like to finalize the assignment of project costs and prepare a presentation on the project for the Annual Meeting of the Town’s Electors in Spring of CY 2014. Should the Board wish to follow this process, a motion would be in order to direct staff to finalize the detail in the assignment of the project costs and to prepare a presentation on the project for the CY 2014 Annual Meeting of the Town’s Electors.

- Treasurer Bowen discussed the remaining issues that need to be resolved before closing out the project.

NO MOTION

- C. Discussion/Action: Town Board review and consideration of pay request number 009 from Cardinal Construction Company for the Town/Fire Hall renovation project.

Attached, please find a copy of Contractor Application for Payment #009 from Cardinal Construction totaling \$32,247.60. Town Treasure (Tori) has asked that this item be placed on the Board’s agenda for review and consideration pending an explanation of the issues with the accounting for the project. If Tori is not comfortable with the accounting or has been unable to review the issues with the Contractor she may ask the Board to table any action on the agenda item until the Board’s Wednesday, October 2nd, 2013 meeting. If Tori is comfortable with the Board authorizing the payment, please be advised that the requested payment will reduce the retainage for the project to \$3,583.10. The Administration is comfortable that the \$3,583.10 retainage is sufficient to cover any outstanding work on the project. Should staff be sufficiently comfortable to make a recommendation and the Board agree with staff’s recommendation, a motion would be in

order to authorize payment of Pay Request #009 for \$32,247.60, as requested, and to reduce the project retainage to \$3,583.10.

- Chair Luebke commended Treasurer Bowen on her hard work pertaining to this project

MOTION:

Motion by: Supervisor Schmidt

Seconded by: Supervisor Lettau

Motion to authorize payment to Cardinal Construction Company for Pay Request #009 for \$32,247.60, as requested, and to reduce the project retainage to \$3,583.10

Motion carried by unanimous voice vote.

- D. Discussion/Action: Town Board review, consideration and direction to staff relative to the financing for a Storm Sewer, Storm Water Management Project in the Plat of Oak Openings.

The low bidder for the project is PTS Contractors Inc. at a project cost of \$105,828.75. Please be advised that the contractor is only responsible for final grading of the project, Town staff will do the final restoration for the lawns and paving of the driveways in spring of CY 2014. The Town's CY 2013 Storm Water Management Utility Budget has a contract work line item that includes \$60,500.00; some of those funds were used to hire a contractor to clean the final leg of the storm water management swale in the Plat of Sunburst Estates and for the culverts for the Fondotto Drive and the Woodcrest Drive projects. The Administration recommends committing the balance of the CY 2013 Budget Line Item and the required amount from the CY 2014 and the CY 2015 Budget Line Items to pay for the proposed project. The Administration has two possible options for financing the proposed project that include the following:

1. Borrowing the needed funds (approximately \$106,000.00) from the Board of Commissioners of Public Lands, State Trust Fund Loan at a 2% interest rate.
2. Borrowing the funds internally from the Town's Reserves at a loss of approximately .5% interest rate.

Both options will work; however, the Administration has become increasingly concerned with the ability of Town staff to do additional Storm Water Management Utility work over the course of the next few years. Specifically, if 100% of the Utility's annual project funds are dedicated to debt service, the Public Works Department will not have any money to purchase the needed supplies for ongoing and future storm water management projects. Based on these concerns, the Administration is recommending that the Board authorize staff to prepare the documentation to borrow the \$106,000.00 to pay for the project over 3 years. This option will allow staff to have a fixed annual payment and sufficient funds in the Budget Line Item to continue to do storm water management work on a somewhat more conservative basis. The Administration recommends borrowing from the Board of Commissioners of Public Lands, State Trust Fund Loan program at the 2% rate and dedicating the required funds in the Storm Water Utility Management Budget to pay the debt service and interest payments for the proposed loan. Staff is in agreement that borrowing the needed funds is the most efficient way available to complete the proposed project and to continue to fix storm water management issues in the Town. The Administration recommends that the Board approve borrowing the funds (approximately

\$106,000.00) from the Board of Commissioners of Public Lands, State Trust Fund Loan at a 2% interest rate. Additionally, staff should be directed to prepare the documentation and application for the proposed loan and to set aside the funding for debt service from the Storm Water Management Utility’s annual revenues for the term of the loan. If the Board agrees with the Administration’s recommendation, a motion would be in order to authorize preparing the application for the borrowing of funds \$106,000.00 from the Board of Commissioners of Public Lands, State Trust Fund Loan at a 2% interest rate. Additionally, staff should be directed to set aside the funding for debt service from the Storm Water Management Utility’s annual revenues for the term of the loan.

- Discussed Land Trust Financing for 2 years
- Discussed borrowing relative to Storm Water Management projects/capital projects
- Discussed keeping costs down by doing the work with Staff and the revenue coming in from the fee

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to authorize Staff to prepare the documentation to borrow \$106,000 to pay for the project over 3 years

Motion carried by unanimous voice vote.

- E. Discussion/Action: Town Board review and consideration of a recommendation to the Town of Winchester Board that the Town of Clayton would like to continue the appointment of Mike Pfankuch as the Town of Clayton’s representative to the Larsen/Winchester Sanitary District.

The Administration has been advised that the Board needs to make a recommendation to the Winchester Town Board on the appointment of a Town of Clayton representative to the Larsen/Winchester Sanitary District. The Board’s current appointee, Mike Pfankuch has indicated that he would be willing to serve for another term as the Town’s representative to the Sanitary District. If the Board would like to reappoint Mr. Pfankuch to another term, a motion would be in order to direct staff to notify the Town Chair of the Town of Winchester of the Board’s wishes.

MOTION:

Motion made by unanimous consent to direct staff to notify the Town Chair of the Town of Winchester of the Board’s wishes to continue the appointment of Mike Pfankuch as the Town of Clayton’s representative to the Larsen/Winchester Sanitary District

- F. Discussion/Action: Town Board review and consideration of a request by the Administration to assist the Town’s Engineering firm with correcting a drainage issue on Lot 43 of the Plat of High Point Estates (3505 Dekalb Lane) in the Town of Clayton.

The Town’s Engineering Firm has been working with the property owner to try to minimize the drainage problem at 3505 Dekalb Lane. It appears that the Engineering Firm and the property owners have arrived at a viable solution to the problem (see attached). Jon Bartz, from the Town’s Engineering firm, has solicited cost estimates for the proposed work and is concerned about the unexpectedly high estimates he received for the proposed work. The project, as proposed, is not much different from what Town staff is doing as

part of the Town's storm water management mitigation work. At the Administrations recommendation, Jon met with the Town Chair to ask if the Town could do the proposed work with force account labor. Jon advised the Town Chair that M & E would be willing to pay a negotiated price for the pipe and the work if Town staff were authorized to do the work. The Administration has advised the Town Chair that staff can accurately estimate the cost of the pipe, the equipment costs and the labor costs involved in completing the project, however, Town staff can only do the work in spring of CY 2014. If the Board is willing to allow Town staff to do the work, an accurate cost for the project would be generated and presented to M & E and the Board for their respective approval. If both parties approve the cost projection, the Board could then authorize the work to be completed in spring of CY 2014.

- Discussed having staff perform the work instead of contracting it out
- Discussed funding for the project

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Schmidt

Motion to allow Town Staff to do the work to create an accurate cost for the project which would be presented to M&E and the Board

Motion carried by unanimous voice vote.

- G. Discussion/Action: Town Board review and consideration of authorizing the placement of a donated bench by the hand pump well on the Clayton Cemetery property.

The Administration would like to advise the Board that Charmaine Sell has expressed a desire to donate a family memorial bench which she would like to see placed in the Clayton Cemetery. Both Ms. Sell and her husband have many family members buried in the Clayton Cemetery. Staff has reviewed the offer of the donation with Ms. Sell and both parties have agreed that the best location for a memorial bench in the cemetery would be adjacent to the hand pump at the east end of the closed main entrance to the cemetery (see attached map). The proposed bench would be placed on a cement platform facing to the west into the cemetery. The mounting would minimize the maintenance work required to mow around the bench and the location would allow individuals collecting water from the pump the opportunity to rest before having to carry water back to a grave site. The bench would also have a memorial plaque commemorating both the husband's and the wife's families. Staff would also take the opportunity created by installing the bench to remove the remnant evidence of the old access road. The final installation of grass on the old road bed would likely occur in spring of CY 2014. The donation made by Ms. Sell would cover the cost of the bench, the memorial plaque, and the concrete base; the costs of removing the remnant road would accrue to the Town. Should the Board wish to accept the proposed donation and agree with the recommended location, a motion would be in order to authorize staff to accept the donation and to proceed with the installation of the bench in a timely manner.

- Discussed placement of the bench and maintenance of it
- Discussed removing the closed road
- Burt Drews (3113 County Road II, Neenah) questioned if the water from the well is safe to drink. The Town has never had it tested. Discussed putting up a sign saying "not for consumption"

MOTION:

Motion made by unanimous consent to approve the placement of a donated bench by the hand pup well on the Clayton Cemetery property

- H. Discussion/Action: Town Board review and consideration of a long term lease of municipal property to the Drifters Snowmobile Club, Inc. for the purposes of constructing an equipment storage and maintenance building.

Attached please find a Draft copy of the Long Term Lease of Municipal Property to the Drifters Snowmobile Club of Neenah. The lease will allow the Drifters Snowmobile Club to construct an equipment storage and maintenance building on the Town Hall site. The Draft Lease has been reviewed and edited by Attorney Rose Simon of the Town Attorney's Office. Should the Board wish to move forward with the Drifters Snowmobile Club project, a motion would be in order to set the fee for the lease and to authorize the Town Chair to sign the Lease documents. The next step in the process would be for the Drifters Snowmobile Club to submit a project site plan for Plan Commission and Board approval.

- Discussed the lease terms and payment options
- Discussed square footage
- Dates for payments will be discussed when the final contract is drafted

MOTION:

Motion by: Supervisor Geise

Seconded by: Supervisor Lettau

Motion to set the fee for the Drifters Snowmobile Club at \$8,750.00 to be made in 2 payments of \$4,375.00 each. One payment being made this year and one payment next year. The premises portion of the agreement shall be changed to approximately 4,000 sq ft

Motion carried by unanimous voice vote.

- I. Discussion/Action: Town Board review and consideration of the following items submitted by MCC, Inc. relating to the reconstruction of the Ridgeway Drive Subdivision:
- a. Partial Pay request No. 2
 - b. Change Order No. 1
 - c. Costs for additional yard grading.

Partial Pay request No. 2:

Attached please find a copy of Partial Pay Request No. 2 for the reconstruction of the Ridgeway Drive Subdivision in the amount of \$126,622.07. The Town's Engineer has reviewed the Pay Request and has recommended that the Town make the payment as requested. The Administration agrees with the Town Engineer's recommendation. Should the Board agree a motion would be in order to direct staff to make the payment with the funding for the payment to come from the Town's CY 2013 Capital Construction Budget, Line Item.

MOTION:

Motion by: Chair Luebke

Seconded by: Supervisor Schmidt

Motion to approve the payment of Partial Pay Request No. 2 for the reconstruction of the Ridgeway Drive subdivision in the amount of \$126,622.07 with funding to come from the Town’s CY 2013 Capital Construction Budget, Line Item
Motion carried by unanimous voice vote.

Change Order No. 1:

Change Order No.1 authorized the enclosure of the ditch between the driveways at 3044 Ridgeway Drive. The costs of enclosing the ditch was \$3,050.00 and is included in Partial Pay request No. 2

MOTION:

Motion by: Chair Luebke

Seconded by:

Motion to approve Change Order No. 1 authorizing the enclosure of the ditch between the driveways at 3044 Ridgeway Drive

Motion carried by unanimous voice vote.

Costs for additional yard grading:

The Administration believes that the \$1,100.00 cost per lot for this work is extremely expensive and being driven by the extant conditions. Between the date of the memorandum and the date of the Board’s meeting the Administration is going to contact the participating residents to see if they would be willing to have the additional grading work done as part of the second phase of the Capital Reconstruction project in CY 2014. Subject to resident and Board agreement the Administration is recommending that the proposed grading work be completed in CY 2014.

- Town Landscaper has been contacted and the quotes were \$500-\$600 per lot
- Discussed concerns with having to pay for resident landscaping requests in the future

MOTION:

Motion by: Supervisor Lettau

Seconded by: Supervisor Schmidt

Motion to decline any additional costs for back grading lots in the Ridgeway Subdivision, the Board will work with residents in Spring to get the most cost effective price for the residents to pay if they so choose

Motion carried by unanimous voice vote.

- XI. Upcoming Meeting Attendance
 - A. Oak Openings resident meeting to be posted
- XII. Board Member Requests for Future Agenda Items
 - A. Changing the first meeting date in January
- XIII. Review of Disbursements
 - A. Disbursements
- XIV. Adjournment – 8:01 P.M.

MOTION:

Motion made by unanimous consent to Adjourn.

Respectfully submitted,
Jenna Prange, Administrative Assistant