

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

7:00 p.m. on Wednesday, August 19, 2020

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

- I. Call to Order: Town Board Chairman Geise called the meeting to order.
- A. Pledge of Allegiance
 - B. Verification of Notice
 - C. Meeting Roll
 - a. Board of Supervisors
 - Chair Geise PRESENT
 - Supervisor Lettau EXCUSED
 - Supervisor Grundman PRESENT
 - Supervisor Wisnefske PRESENT
 - Supervisor Reif PRESENT
 - b. Staff
 - Administrator Straw PRESENT
 - Clerk Stevens PRESENT
 - Treasurer Schiessl PRESENT
 - Town Engineer – Mary Jo Miller PRESENT
 - Town Attorney – Ben Lafrombois PRESENT
- II. Public Hearing(s) and/or Public Information Meeting(s): NONE
- III. Approval of Minutes:
- A. Approval of the Minutes of the Wednesday, August 5, 2020 Town Board Meeting.
- MOTION:**
Motion by unanimous consent to approve the minutes from the Wednesday, August 5, 2020 Town Board Meeting.
- IV. Open Forum – Town-related Matters not on the Agenda: NONE
- V. Correspondence:
- A. Distribution of the July 2020 Building Inspectors Report.
 - B. Distribution of the Fox West Regional Sewerage Commission July 8, 2020 Meeting Minutes.
 - C. Distribution of the Oshkosh Library Board June 25, 2020 Meeting Minutes.
 - D. Distribution of the Winnebago County Recycling Tonnage Report for July, 2020 and Memo notifying the increase of tipping fees.
- VI. Discussion Items (No action will be taken):
- A. County Supervisor Report—No Report
 - B. Winnebago County Sheriff’s Department: – Public Concerns and Issues—No Report

- Burt Drews, 3113 CTR II, expressed concern regarding the speed and noise levels of motorcycles on County Road II. He said it is a nuisance and needs to be stopped.
- Chair Geise advised Mr. Drews that the issue has to be addressed by the Winnebago County Sheriff's Department
- C. Clayton Fire Rescue (First Meeting of the Month)—No Reports
 - a) Clayton Fire Rescue Department
 - b) Clayton Police Department (First Meeting of the Month)
 - c) Emergency Management Report
- D. Larsen/Winchester Sanitary District Report—No Report
- E. Administration Comments
 - Engineer's Report—Mary Jo Miller, M & E
 - Larsen Road preconstruction meeting scheduled for August 25, 2020 with construction starting early September.
 - Administrator Straw
 - Working on permits and easements for infrastructure
 - Working on offer to purchase
 - Working on Assessment Ordinance for Sewer—charges for hook-up
 - Working on 2021 budget—all departments have submitted
 - Reviewing Storm Water Management 5-year Capital Plan
 - Clerk Stevens
 - August 11, 2020 Election ran smoothly—already ramping up for November
 - Incorporation document edits received from Legal Counsel—working on final edits
 - Chair Geise
 - Border Agreements revisions are all in and will be resubmitted after reapprovals are received.

VII. Operator Licenses Issued by the Town Clerk:

- A. New: NONE
- B. Renewals: NONE

VIII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by James Sehloff, PLS Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
 - PC Chair Knapinski reported that the Plan Commission recommended to the Town Board approval of the application for rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District), with staff recommendations.
 - Chair Geise noted the item is on the agenda later in the meeting

- B. Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by James Sehloff, PLS Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- PC Chair Knapinski reported that the Plan Commission postponed the business in order to allow the applicant time to address concerns expressed about drainage and the configuration of the LOTS

NO ACTION TAKEN

- C. Plan Commission Public Hearing on a Re-zoning application from R-1 (Rural Residential) to A-2 (General Agriculture) submitted by Michael Yost and Penny Brazee, 7611 County Road T, Oshkosh, WI 54904 for property located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, being a part of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- PC Chair Knapinski reported that the Plan Commission recommended to the Town Board approval of the application for rezoning from R-1 (Rural Residential) to A-2 (General Agriculture), with staff recommendations.
 - Chair Geise noted the item is on the agenda later in the meeting
- D. Plan Commission review and recommendation on a Certified Survey Map (CSM) application submitted by Gary Zahringer, Martenson & Eisele, Inc., 1377 Midway Road, Menasha, WI 54942, for properties owned by Brazee Ridge, Inc., 7573 Sunburst Lane, Neenah, WI 54956 and Michael Yost and Penny Brazee Trust, 7611 County Road T, Oshkosh, WI 54904 and located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, 006-0799, 006-0799-02, 006-0799-03, 006-0799-04, 006-0793-01, 006-0794, 006-0794-04, 006-0794-03, 006-0794-02, 006-0794-01, 006-0796, 006-0800, 006-0805, and 006-0801 being a part of the Northwest ¼ and the Northeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- PC Chair Knapinski reported that the Plan Commission recommended to the Town Board approval of the CSM application, with staff recommendations.
 - Chair Geise noted the item is on the agenda later in the meeting

MOTION:

Motion by unanimous consent to approve the Certified Survey Map (CSM) application submitted by Gary Zahringer, Martenson & Eisele, Inc., 1377 Midway Road, Menasha, WI 54942, for properties owned by Brazee Ridge, Inc., 7573 Sunburst Lane, Neenah, WI 54956 and Michael Yost and Penny Brazee Trust, 7611 County Road T, Oshkosh, WI 54904 and located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, 006-0799, 006-0799-02, 006-0799-03, 006-0799-04, 006-0793-01,

006-0794, 006-0794-04, 006-0794-03, 006-0794-02, 006-0794-01, 006-0796, 006-0800, 006-0805, and 006-0801, with Staff recommendations

- E. Plan Commission review and recommendation on a Re-zoning application from A-2 (General Agriculture to R-4 (Multifamily Residential) submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 and the Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located at south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- PC Chair Knapinski reported that the Plan Commission recommended to the Town Board approval of the application for rezoning from A-2 (General Agriculture District) to R-4 (Multifamily Residential), with staff recommendations.
 - Chair Geise noted the item is on the agenda later in the meeting
- F. Plan Commission review and recommendation on a Conditional Use Application submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 for construction of a multi-family housing development consisting of 96 units. The property is located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- PC Chair Knapinski reported the applicant is looking for assurance from the Town for the development.
 - Plan Commission recommended approval of the CUP with the conditions as noted in the Plan Commission meeting minutes.

MOTION:

Motion by unanimous consent to approve the Conditional Use Permit Application submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 for construction of a multi-family housing development consisting of 96 units at the property located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329 with the following conditions:

1. The conditional use approval is contingent on the sale of the property to the applicant.
2. The conditional use approval is contingent on approval of re-zoning the property to R-4 (Multifamily Residential) by the Town of Clayton, Winnebago County, and any other overlying unit of government having jurisdiction.
3. Any and all documentation of approval of the proposed re-zoning by any overlying unit of government having jurisdiction shall be submitted to the Town prior to commencing construction.
4. The project shall comply with all applicable local, state, and federal codes/ordinances; including all necessary permits/approvals for the proposed wetland disturbance.
5. The Conditional Use Permit is contingent upon a fully compliant site plan being submitted and approved including but not limited to the following:
 - a) The Stormwater Management Plan and Erosion Control Plan shall be reviewed and approved by the Town Engineer for compliance with the requirements set

- forth in 23.15 of the Winnebago County Ordinance prior to commencing construction.
- b) The 1,149 sq. ft. wetland in the southwest corner of the property shall remain undisturbed.
 - c) The existing trees/woodlands located along the southern property line and within a wetland area in the middle of the property shall be preserved to the maximum extent possible in locations where the internal driveways and buildings are not being proposed.
 - d) Buffer yard landscaping shall be provided along the shared lot lines with the properties addressed 9147 Clayton Avenue (PIN 006-0329-01) and 9075 Clayton Avenue (PIN 006-0340-01). Buffer yard landscaping shall comply with the requirements outlined in Attachment E, Section G (1) (a) 1) a) of the Town of Clayton Zoning Code of Ordinances.
 - e) A refuse and recycling storage area(s) shall be identified on the site plan. Any outdoor refuse and recycling storage area(s) shall comply with the requirements outlined in Section 9.08-209 of the Town of Clayton Zoning Code of Ordinances.
 - f) A lighting plans shall be submitted in compliance with Section 9.08-210 of the Town of Clayton Zoning Code of Ordinances and all exterior lighting shall comply with Section 9.08-210. No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. Cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties shall be required for all exterior lighting. No undue lighting shall extend beyond the property lines.
 - g) Additional parking spaces and handicap accessible parking spaces shall be provided so that the on-site parking complies with all requirements of Article 11 of the Town of Clayton Zoning Code of Ordinances; except there shall be 9 total handicap parking spaces provided on-site. There shall be a minimum of 1 handicap parking space provided for each apartment building and the office/garage building.
 - h) Screening shall be provided for any roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways. Screening of roof or ground mounted mechanical equipment shall be in compliance with the Attachment C, Section A. (8) of the Town of Clayton Zoning Code of Ordinances.
 - i) When either Smoke Tree Road or a new west road extending north from West American Drive is constructed, a driveway shall be constructed connecting to either of the new roads allowing another entrance to the apartment complex. At that time, one of the driveways accessing Clayton Avenue shall be eliminated. A plan sheet should identify this future work and be included in the developer's agreement. Driveway locations along Clayton Avenue may need to be relocated, and internal drive lanes redesigned, to accommodate this condition.
 - j) All recommendations as defined in the letter from the Town Engineer, Benjamin Hamblin of McMahan Associates, dated August 5, 2020 (see attached) shall be complied with or incorporated into the development plans and any future developers agreement; including, but not limited to, driveways, utility details/locations, stormwater management, lighting, landscaping, erosion control, and future parcel splits.

- k) A sign permit shall be obtained from the Town of Clayton prior to installation/construction of any signage on-site.
- 6. No construction is to begin until all conditions of the CUP have been met

G. Plan Commission review and recommendation on a Site Plan Application resubmitted by Katherine Ratka/EEASE Properties, LLC, N3402 Dax Daniel Lane, Black Creek, WI 54106, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10-01 located in part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- PC Chair Knapinski reported the Site Plan had previously been postponed, but now is essentially complete. He noted any outstanding items are not detrimental to the Town and can be handled by Staff.
- Plan Commission recommended approval of the Site Plan with Staff resolving any outstanding items.

MOTION:

Motion by unanimous consent to approve the Site Plan Application resubmitted by Katherine Ratka/EEASE Properties, LLC, N3402 Dax Daniel Lane, Black Creek, WI 54106, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10-01 contingent upon the applicant working with Staff to satisfy any missing requirements of the Site Plan

H. Plan Commission review and recommendation on a Site Plan Application resubmitted by CRL Surveying, N1674 Median Dr, Greenville, WI 54942 for property located at 7577 Black Top Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 being a part of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- PC Chair Knapinski reported the Site Plan had previously been postponed, but now is essentially complete. He noted any outstanding items are not detrimental to the Town and can be handled by Staff.
- Plan Commission recommended approval of the Site Plan with Staff resolving any outstanding items.

MOTION:

Motion by unanimous consent to approve the Site Plan Application resubmitted by CRL Surveying, N1674 Median Dr, Greenville, WI 54942 for property located at 7577 Black Top Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 contingent upon the applicant working with Staff to satisfy any missing requirements of the Site Plan

I. Plan Commission review and direction to staff regarding the amending of the Town of Clayton Chapter 9, Section 9.11, Access Control Ordinance.

- PC Chair Knapinski reported the Plan Commission is continuing to work through what is proving to be more complicated than it first appeared.

NO ACTION TAKEN

I. Business referred by the Green Space Committee:

A. Green Space Committee review of the Public Works Department Summer projects in the Town’s parks and on the Town’s Trails.

1. Picnic Tables at Clayton Park and Trailhead Park – Chair Prusik Update.
2. Budget Review of Parks and Trail Budgets.
3. Review the Pricing of the dugout benches for replacement.

- Administrator Straw reported that Green Space Chair Prusik has been working with the vendor which had provided the surface materials for the picnic tables and has received discounted pricing for replacement tables. She said the Committee has not made a decision yet regarding how many to order.
- Chair Geise questioned working with the vendor when their product was defective
- Administrator Straw explained the tables were still usable, but the issue arose because she had purchased framing from a different source. She said if the ADA extensions are removed and with minor reinforcement, the tables should be usable and will be moved to Trail Head Park and Olsons’ Rest where they will not receive as much abuse.
- Administrator Straw reported that Committee did make a recommendation to the Town Board to purchase four (4) dug out benches for the baseball diamonds for a cost not-to-exceed \$800 each.

MOTION:

Motion by unanimous consent to purchase four (4) dug out benches for the baseball diamonds at Clayton Park for a cost not-to-exceed \$800 each.

II. Business:

A. Discussion/Action: Town Board review and consideration of Town of Clayton Ordinance 2020-Z010 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Luke and Ashley Herriges Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District).

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Reif

Motion to approve Ordinance 2020-Z010 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Luke and Ashley Herriges Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District); and to direct staff to submit to Winnebago County and publish the Ordinance as required

ROLL CALL VOTE:

Supervisor Grundman	Aye
Supervisor Wisnefske	Aye
Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Lettau	Absent

Motion carried by a vote of 4-0

- B. Discussion/Action: Town Board review and consideration of Town of Clayton Ordinance 2020-Z011 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Michael Yost and Penny Brazee on Rezoning from R-1 (Rural Residential District) to A-2 (General Agriculture District).

MOTION:

Motion by Supervisor Reif

Second by Supervisor Wisnefske

Motion to approve Ordinance 2020-Z011 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Michael Yost and Penny Brazee on Rezoning from R-1 (Rural Residential District) to A-2 (General Agriculture District) and direct staff to submit to Winnebago County and publish the Ordinance as required

ROLL CALL VOTE:

Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Wisnefske	Aye
Supervisor Grundman	Aye
Supervisor Lettau	Absent

Motion carried by a vote of 4-0

- C. Discussion/Action: Town Board review and consideration of Town of Clayton Ordinance 2020-Z012 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Premier Real Estate Management LLC and the Town of Clayton Rezoning from A-2 (General Agricultural District) to R-4 (Multifamily Residential).

MOTION:

Motion by Supervisor Grundman

Second by Supervisor Wisnefske

Motion to approve Ordinance 2020-Z012 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for Premier Real Estate Management LLC and the Town of Clayton Rezoning from A-2 (General Agricultural District) to R-4 (Multifamily Residential) and direct staff to submit to Winnebago County and publish the Ordinance as required after the sale of the property

ROLL CALL VOTE:

Supervisor Wisnefske	Aye
Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Grundman	Aye
Supervisor Lettau	Absent

Motion carried by a vote of 4-0

- D. Discussion/Action: Town Board review and consideration of a recommendation to the Town of Winchester on the appointment of Scott Reif, 9207 Pioneer Road, Neenah, WI 54956 to the Larsen Winchester Sanitary District Commission to fulfill remaining term of Michael Pfankuch, 4556 Grandview Road, Larsen, WI 54947.

At the August 5, 2020 Town Board Meeting, Mike Pfankuch, LWSD Chair, requested the Board consider this business. Mr. Pfankuch reported the district operator, Jim Emmons, announced his full retirement as of October 1, 2020. Although Mr. Pfankuch is the Larsen representative on the District Commission, he has been training and shadowing Mr. Emmons to succeed him as district operator. As such, a replacement on the Board for the Larsen representative is needed. The Sanitary Board members are not required to live within the Sanitary District; however, they must own property within the District. Mr. Reif's business is in the Larsen Winchester Sanitary District satisfying that requirement.

The position is compensated with an annual salary of \$2,000.00 plus a \$50.00 meeting per diem for a total annual salary of \$2,600.00. The Commission meets monthly.

At this time, the Larsen Winchester Sanitary District is still controlled by the Town of Winchester until such time as the Border Agreement between the two Towns has been approved by the State of Wisconsin Department of Administration, and recorded at Winnebago County. At this time, the Town of Clayton Board needs to recommend an appointment to the Town of Winchester Town Board which will then need to approve the appointment.

MOTION:

Motion by Chair Geise

Second by Supervisor Wisnefske

Motion to recommend to the Winchester Town Board the appointment of Scott Reif, 9207 Pioneer Road, Neenah, WI 54956 as the Larsen representative for the Larsen Winchester Sanitary District to fulfill the remaining term of Michael Pfankuch, effective October 1, 2020.

Motion carried by a vote of 3-0 with Supervisor Reif abstaining and Supervisor Lettau absent.

- E. Discussion/Action: Town Board review and consideration of the proposal and Lease Agreement from Integrated Public Resources (IPR) to form a P3 (Private/Public) Partnership for the construction of Clayton Sanitary District #1 Phase I Sewer Infrastructure.

The Board reviewed a copy of the proposal and Lease Agreement from Integrated Public Resources (IPR).

Administrator Straw explained the Town's Debt Limit for General Obligation Debt is \$27,798,070 which is based on CY 2019 Equalized Value of the Town. At the end of CY 2019, the Town's legal margin for new debt was \$19,270,960. In CY 2020, the Town took out an additional \$8,565,000 to pay the first installment of the border agreement to the Village of Fox Crossing and to Fox West Sewerage Commission for capacity. With

the Town's debt capacity quickly diminishing, alternative financing options were researched. The Lease Agreement being reviewed was set up in such a way as to not show up on our audits as debt, which gives the Town flexibility with the limited debt capacity. The Town has a number of financial obligations coming due within the next two (2) years that will take the majority of the remaining debt capacity.

Administrator Straw reported that Integrated Public Resources has been able to reduce the original cost of the construction significantly. As the Town moves forward with utilities, there will also be the cost of constructing the remainder of West American Drive so that it connects to Clayton Ave. There will be other roads in that area that will need to be constructed as well. The Administration is hopeful that the Town will be able to utilize this partnership for future projects. Administrator Straw noted with the anticipated approval of the Lease Agreement, IPR has tentatively scheduled the start of construction the week of September 7, 2020.

- Attorney Lafrombois requested the Board postpone approval to allow him more time to review the agreement, noting he had just received the document. He said upon initial review, the agreement appears to be essentially good, but because it is two agreements in one—a construction agreement and a lease agreement—he would like to review it more closely.
- Chair Geise noted the cost for construction is almost half of what originally was estimated.

NO ACTION TAKEN: The Board postponed the business to the next meeting

- F. Discussion/Action: Town Board review and consideration of the contract for services with McMahon Engineering for the design of the Sewer/Water Metering Building to be located at West American Drive and Clayton Avenue.

The Board reviewed a copy of the Scope of Work for the Design of the new Water Booster Pumping Station Building from McMahon. The building will be placed on the Southwest corner of West American Drive and Clayton Avenue and will house the high-pressured pumps, a master metering system, and a generator along with the necessary plumbing, HVAC, and electrical components needed to supply the water to the businesses along the Hwy 10 corridor. The pumps are a necessary component of the water system in order to maintain enough water pressure to reach the businesses at the ridge of STH 76.

MOTION:

Motion by unanimous consent to approve the contract for services with McMahon Engineering for the design of the Sewer/Water Metering Building at a not-to-exceed cost of \$49,000.

- G. Discussion/Action: Town Board review and consideration of the REVISED Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Winchester.

The Board reviewed a copy of the determination letter from the State of Wisconsin Department of Administration (DOA). The DOA reviewed the cooperative plan and while the basic agreement is acceptable and has not been altered, the DOA requested additional language be added primarily relating to the Comprehensive Plans, to better align the agreement with the Statutory requirements. Attorney Parmentier, legal counsel for Winchester, has revised the cooperative plan and has provided both Towns with the revised document for approval.

MOTION:

Motion by Chair Geise

Second by Supervisor Wisnefske

Motion to approve the revised Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Winchester as presented.

ROLL CALL VOTE:

Supervisor Wisnefske	Aye
Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Grundman	Aye
Supervisor Lettau	Absent

Motion carried by a vote of 4-0

- H. Discussion/Action: Town Board review and consideration of the REVISED Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Winneconne.

The Board reviewed correspondence from Attorney Parmentier, Legal Counsel for the Town of Winneconne regarding the determination from the State of Wisconsin Department of Administration (DOA). The DOA reviewed the cooperative plan and while the basic agreement is acceptable and has not been altered, the DOA requested additional language be added primarily relating to the Comprehensive Plans, to better align the agreement with the Statutory requirements. Attorney Parmentier has revised the cooperative plan and has provided both Towns with the revised document for approval.

MOTION:

Motion by Supervisor Wisnefske

Second by Supervisor Grundman

Motion to approve the revised Intergovernmental Cooperative Plan between the Town of Clayton and the Town of Winneconne as presented.

ROLL CALL VOTE:

Supervisor Grundman	Aye
Supervisor Wisnefske	Aye
Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Lettau	Absent

Motion carried by a vote of 4-0

- I. Discussion/Action: Town Board review and consideration of the AMENDED Offer to Purchase Tax Parcel 006-0329 (16.67 acres).

The Board reviewed a copy of an amended Offer to Purchase from the Dennis Jochman and/or assigns, for the Town owned property located North of State Highway 10 and West of Clayton Ave. At its June 17, 2020 meeting, the Town Board had approved the original offer to purchase which contained a condition requiring the Developer to build the sewer and water mains through the property to the Town's standards, and to provide an easement for the Town going west from Clayton Avenue to the western edge of the subject property for the extension of sewer and water to the west. The Village of Fox Crossing does not want the utility mains running through an easement or on private property. Because the Town will not own or maintain the water mains until the PSC determines there are enough customers for the Town to own and operate a water utility, the development which occurs within the first phase needs to adhere to the Village of Fox Crossing requirements and practices concerning the water infrastructure.

The amended offer to Purchase reflects the changes in regard to the easement and the utility mains. Additionally, the developer has agreed to construction of the entire 96-unit plan in one phase giving the Town the full value of the project within a year of completion. Also, the original offer included TIF incentives up to \$1,000,000 within a 10-year period. The revised offer will allow the developer the full \$1,000,000 TIF incentive within the 10-year period.

- Attorney Lafrombois noted in reviewing the amended offer to purchase, he would request two modifications be made prior to the Board approving it.
 - Changing the closing requirement from “within 180 days” to “by September 30, 2020”
 - Changing the “tax incremental financing and incentive in an amount not less than” to “tax incremental financing and incentive in an amount not less than, nor more than...”

MOTION:

Motion by Chair Geise

Second by Supervisor Grundman

Motion to accept and approve the Offer to Purchase the Town owned property identified as Tax ID #006-0329 subject to the following modifications

1. That the buyer's condition precedent be satisfied not later than September 30, 2020
2. The Town “Provide to Buyer the Tax incremental financing and incentive in an amount of not less than, nor more than One Million and 00/100 Dollars (\$1,000,000);

and to authorize the Town Chair to sign the requisite documents.

Motion carried by unanimous voice

- J. Discussion/Action: Town Board review and consideration of Final Pay Request to Radtke Contractors, Inc. for the construction of Westfield Ridge Cul de sac.

The Board reviewed a copy of Pay Request #2 (Final Payment) in the amount of \$6,623.38, submitted by Radtke Contractors, Inc., PO BOX 6000, 6408 Cross Road, Winneconne, WI 54986 for the construction of Westfield Ridge Cul de sac. The Town Engineer and the Town Administrator did the final walk through with Radtke on Monday, August 10, 2020 and found the project to be complete. Both the Town Engineer and the Town Administrator have reviewed the pay request and agree that it is correct and should be paid.

MOTION:

Motion by unanimous consent to approve the Final Pay Request to Radtke Contractors, Inc. for the construction of Westfield Ridge Cul de sac in the amount of \$6,623.38 with the funding to come from the developers escrow account.

- K. Discussion/Action: Town Board review and consideration of the August Settlement of 2019 Taxes Payable in CY 2019/2020 and the distribution of collected tax payments to the overlying districts.

The Board reviewed a copy of the August Settlement for 2019 Taxes Payable in CY 2019/2020. Winnebago County collects the 2nd installment payment for the Town’s Real Estate Taxes each year, retaining their portion of the tax collection, and distributing the collected funds to the Town and School Districts. However, the County does not distribute the taxes collected for the Larsen Drainage District or the Larsen-Winchester Sanitary District. Once the Town has received the payment from the County, the Town is required to distribute the payments to the Larsen Drainage District (\$47.85) and the Sanitary District (\$3,244.38). The checks to be distributed total \$3,292.23.

NO ACTION TAKEN

- IX. Review of Disbursements
- X. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XI. Upcoming Meeting Attendance:

- B. Town Board action to schedule the CY 2021 Budget Meetings.

The Board scheduled workshops as follows:
September 8, 15, 22, and 29, 2020 from 11:00 a.m. to 1:00 p.m.
Optional additional meeting October 6, 2020 from 11:00 a.m. to 1:00 p.m.

- XII. Board Member Requests for Future Agenda Items: NONE

- XIII. Adjournment

MOTION:

Motion made by unanimous consent to adjourn 8:03 p.m.

Respectfully submitted,
Holly Stevens, Clerk