

**TOWN OF CLAYTON**Regular Meeting of the Town Board of Supervisors  
Meeting MinutesMay 4, 2011  
7:00 p.m. – 8:43 p.m.

8358 County Road T Larsen, WI 54947

**I. Call to Order**

Called to order at 7:00 p.m. by Vice-Chairperson Geise.

Roll: Town Board

Chairperson Luebke	ABSENT (Excused)
Supervisor Lettau	PRESENT
Supervisor Klingenberger	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Staff

Administrator Johnston	PRESENT
Clerk Nester-Huebner	PRESENT
Public Works Foreman Pamerter	PRESENT
Town Engineer Madsen	PRESENT
Town Architect Schulz	PRESENT

Meeting properly posted; three locations in the Town.

**II. Approval of Minutes**

- Regular Town Board Meeting – April 20, 2011  
**MOTION:** (unanimous consent) Approve Regular Town Board Meeting Minutes from April 20, 2011, as written.  
CARRIED.

**III. Open Forum – Non-Agendized Town-related Matters – none****IV. Correspondence**

- Wisconsin Towns Association – New Educational Online Training Opportunities
- Mike Ellis response to Resolution regarding lighted stop signs at the intersection of Larsen Road and STH 76
- Yard Waste Site Attendant (Amy Muttart) Resignation notice

**V. Discussion Items (No action will be taken.)**

- County Supervisor Report – Supervisor Joanne Sievert, District 29, present: Governor's transportation committee met and USH 41 is now on the list for construction of another bridge over Little Lake Butte des Morts, for reduction of the curves on USH 441, and construction of flyway lanes to further connect USH441 and USH41
- Winnebago County Sheriff's Dept. – no Deputy present
- Clayton-Winchester Fire Chief Report – Fire Chief Mathison not present: Fire Department has received 32 calls year-to-date
- Administration Comments –  
Town Administrator: Will be looking at the finishing items for Larsen Road project  
Clerk: Recount underway, Town of Clayton completed today with no changes to the outcome; Open Book Tuesday, May 10, 2011, from 3p-7p next door at the Town Hall Community Room  
Town Engineer: Contract for 2011 paving program executed this week, curb and gutter to start returns soon, asphalt paving to follow this in Berry Bramble, High Point Estates, and Strawberry Estates

**VI. Zoning – Receipt of Information from Plan Commission – none**

**VII. Licenses**

- A. **Discussion / Action** – Consideration and approval of Operator Licenses:
  - New – Kerrie A. Osnoe (Present)

**MOTION:** (Unanimous consent) Approve Operator License for Kerrie A. Osnoe.  
 CARRIED.

**VIII. Business**

- A. **Discussion / Action** – Town Board review and consideration of a Retail Sales of Fireworks License Application from T & G Fireworks (Ted & Gay Bemis), to be located at 2904 CTH II, Neenah, WI 54956.

The proposed site location for the retail sales of fireworks is on the corner of STH “76: and CTH “II” on property owned by the Grundman Family (applicant has written authorization to sell fireworks on the property). In the past the Board has approved these applications on the condition that the applicants abide by the conditions of the application, abide by the Town’s Sign Ordinance, and provide the required verification of insurance. The Administration recommends approval of the Application with the stated conditions.

Supervisor Grundman Erdmann abstained from voting on this item.

**MOTION:** (Lettau, Schmidt) Approve the Retail Sales of Fireworks License Application from T & G Fireworks (Ted & Gay Bemis), to be located at 2904 CTH II, Neenah, WI 54956.  
 CARRIED by 3-0 voice vote.

- B. **Discussion / Action** – Town Board review and consideration of approval of a website home page for ClaytonFest (ClaytonFest.com) created and operated by the Drifters Snowmobile Club.

The Drifters Snowmobile Club would like to publish a website home page for ClaytonFest (ClaytonFest.com) created and operated by the Drifters Snowmobile Club. The home page would be used to advertise the event in an attempt to draw more traffic that should result in more revenue for the Town and the charitable organizations staffing the event.

The Administration has two concerns relative to the project; the first is ownership of the domain name (ClaytonFest.com), and the second is the policy used for advertising or linking to the site. The Town should own the domain name. This would give it ultimate control of the site and the ability to close the site if it is not comfortable with how the site is used. The Drifters currently own the domain name; however, they have indicated that they would not object to transferring the domain name to the Town. Relative to the second concern, the Administration would recommend that the Town Board revise its internet policy to reflect the additional use and type of site. In the interim, the Administration would limit advertising and linking to the site to those specifically authorized by the Administration in consultation with the Town Chair. If the Board agrees with the Administration’s recommendations, a motion to authorize the site with the listed restrictions would be in order.

Present: Jeremy Probst, 1870 White Swan, Oshkosh, WI, developer of site, handouts

**MOTION:** (Schmidt, Lettau) Approve the website home page for ClaytonFest (ClaytonFest.com) created and operated by the Drifters Snowmobile Club with a note that the Town of Clayton owns the domain name.  
 CARRIED by 4-0 voice vote.

- C. **Discussion / Action** – Town Board review and consideration of Resolution 2011-007: A Resolution Stating the Board Intent to Replace, and Special Assess the Cost to the Benefited Property Owner, all of the Rural Addressing Numbers in the Town of Clayton in Conformance with the County’s Ordinance Relating to Rural Addressing.

The Resolution is intended to affirm the Board’s intent to replace all of the rural addressing numbers in the Town at the standard set by the County. The only additional item the Administration would like the Board to consider is based upon the County’s driveway posting exemption for housing within 75 feet of the right-of-way. The Administration believes that for health and safety reasons all rural addressing numbers should be placed at the driveway in the prescribed location.

A clause in the draft Resolution will declare the Board’s intent to place all rural addressing numbers at the driveway regardless of how far the housing unit is from the right-of-way. If the Board agrees with the draft, a motion to approve the Resolution would be in order. If approved, staff will post the Resolution and provide a copy to the Town’s contractor for residents questioning the installation and/or the location of the rural addressing numbers.

After the project is completed, the Town will be in compliance of the County’s Ordinance and will need to continue the process by purchasing individual addressing numbers as part of the new home construction process. The Administration will prepare the required forms and policy documentation for the Board’s approval at a later meeting.

Commented on item: Michael Dietz (7450 Sunwood Drive, Neenah)

**MOTION:** (Lettau, Grundman Erdmann) Approve the Resolution 2011-007: A Resolution Stating the Board Intent to Replace, and Special Assess the Cost to the Benefited Property Owner, all of the Rural Addressing Numbers in the Town of Clayton in Conformance with the County’s Ordinance Relating to Rural Addressing.  
CARRIED by 4-0 voice vote.

- D. **Discussion / Action** – Town Board review and consideration of an appointment for the remaining 2-year balance of a 3-year appointment to the Town’s Green Space Committee:
  1. Appointment of Nancy Heider to the Town’s Green Space Committee for a term to expire on April 30, 2013.

At the Board’s Wednesday, April 20, 2011, meeting, the appointment of a new member to the Green Space Committee was deferred to the Board’s Wednesday, May 4, 2011, meeting. The Board needs to appoint a Committee member to fill the remaining two years of the term of Carol Ihde:

Committee Member: Ihde Term: 2010-2013 Appointment Term

It is the Administration’s understanding that the Board would like to appoint the following individual as a Committee Member:

Committee Member Appointee: Heider Term: 2010-2013 Appointment Term

Should the appointment be made, the Administration would recommend that the appointment take effect with the Thursday, May 19, 2011, Green Space Committee Meeting.

Present: Nancy Heider (4844 Fairview Road, Larsen)

**MOTION:** (Lettau, Schmidt) Appoint, for the remaining 2-year balance of the 3-year term, Nancy Heider to the Town’s Green Space Committee for a term to expire on April 30, 2013.  
CARRIED by 4-0 voice vote.

- E. **Discussion / Action** – Town Board review and consideration of a Bid award for the Town’s CY 2011 Crack-Filling Projects.

A copy of the Request for Proposals (RFP) for crack sealing certain Town Roads, a list of the firms that received the Town’s RFP, and a bid tab for the project generated by the Town’s Treasurer are available at the Town Office. The low bid for the work is Fahrner Asphalt, Inc., at \$12,135.00. The proposal from Fahrner makes some recommendations relative to the Town’s roads.

Staff used Fahrner’s recommendations and the available funding in the Town’s CY 2011 Budget to generate a list of the roads it would propose to crack seal in CY 2011. Even using the abbreviated list, Fahrner is still the low bid for the project at \$7,298.00. The Town’s Budget for the project is \$7,500.00; therefore, the Administration’s recommendation is to award the limited CY 2011 crack sealing project to Fahrner Asphalt, Inc., at a cost of \$7,298.00.

**MOTION:** (Schmidt, Grundman Erdmann) Approve the bid award to Fahrner Asphalt for the limited CY 2011 crack sealing projects at a cost of \$7,298.00.  
CARRIED by 4-0 voice vote.

- F. **Discussion / Action** – Town Board review and consideration of a Contract award for pavement repair of approximately 896 square feet at a cost of \$2,273.00 in front of the USF Holland Terminal driveway on Winncrest Road.

The Administration has received repeated requests from USF Holland to repair the Town road in front of the firm’s north driveway on Winncrest Road. The Town road has failed where the rear tandems of both the tractor and the trailer cross from the concrete driveway apron to the paved surface.

In order to repair the Town road, the Administration solicited proposals to replace approximately 896 square feet of asphalt in front of the north driveway apron for the USF Holland facility. The Town received proposals for doing the work and a bid tabulation prepared by the Town Treasurer.

The repair will consist of four (4) inches of asphalt placed in two (2) lifts. The Administration would like to advise the Board that this road (Winncrest Road) was not built to withstand heavy truck traffic and will likely need additional repairs over time. The Administration is recommending awarding the repair work to the low bidder, Appleton Asphalt, Inc., at a cost not to exceed \$2,273.00. Funding for the project will come from the Town’s CY 2011 General Fund Street Maintenance Budget Line Item.

**MOTION:** (Lettau, Grundman Erdmann) Award the contract for pavement repair of approximately 896 square feet at a cost of \$2,273.00 in front of the USF Holland Terminal driveway on Winncrest Road, to Appleton Asphalt, Inc.

CARRIED by 4-0 voice vote.

- G. **Discussion / Action** – Town Board review and consideration of a Contract award to Home & Business Computer Services for maintenance and updates to the Town’s Computer System.

The Town received a proposal from Home & Business Computer Services, Inc., the Town’s IT support provider. The Administration has been advised by the Treasurer that the existing dollar value of the current Maintenance Contract has been used and that the support provider has gone to an hourly fee for services billing. The proposal backs the \$330.00 charge out of the new maintenance contract and bills the Town for the remaining \$1,670.00.

The Administration recommends approving the attached contract. Additionally, the Administration would like to advise the Board that it will research computer providers and costs for the CY 2012 Budget Cycle. As a point of reference, the Town has routinely used approximately \$2,000.00 of computer support per year. If the Board agrees with the Administration’s recommendation, a motion to award the computer support contract at a cost of \$1,670.00 would be in order.

**MOTION:** (Schmidt, Lettau) Approve the remaining \$1,670.00 to Home & Business Computer Services for the contract for maintenance and updates to the Town’s Computer System.

CARRIED by 4-0 voice vote.

- H. **Discussion / Action** – Town Board review and consideration of an Engineering Contract for replacing the culvert under Oakwood Avenue at Golf Wood Drive as the Town’s CY 2011 County Bridge Aids Project.

The Town received an Engineering proposal for the project submitted by M&E, Inc., the Town’s Engineer. Aaron will be at the Board’s meeting to review the proposal. In summary, the proposal is for replacing the 60-inch corrugated metal culvert under Oakwood Avenue at Golf Wood Drive with an open-bottom, metal culvert and some related ditch cleaning work. The proposal also includes any required permitting work with the State Department of Natural Resources and the State Department of Transportation. The engineering is needed to determine the design for the culvert and to complete the permitting work. The Administration intends to complete the work with municipal staff and equipment. A motion to approve the engineering and permitting work at a cost of \$7,200.00 would be in order.

**MOTION:** (Lettau, Schmidt) Approve the engineering and permitting work for replacing the culvert under Oakwood Avenue at Golf Wood Drive, as part of the Town’s CY 2011 County Bridge Aids Project, with M&E at a cost of \$7,200.00.

CARRIED by 4-0 voice vote.

- I. **Discussion/Recommendation:** – Town Board direction to staff relative to a Draft Payment In Lieu of Taxes (PILOT) for Beaming, Inc., a 501-C3 tax exempt entity, proposing to purchase property located at 3346 Oakridge Road, in the Town of Clayton - (Tax ID# 006-0696-03, a portion of 006-0695, and a portion of 006-0696)

The Town Board was given a draft copy of the PILOT for Beaming, inc., a 501-C3 tax exempt entity, proposing to purchase property located at 3346 Oakridge Road in the Town of Clayton (Tax ID # 006-0696-03, a portion of # 006-0695, and a portion of # 006-0696). The copy of the document has not been reviewed by the Administrative staff or the Board for Beaming, Inc.

The Administration is asking the Board to review the document and direct staff relative to the issue. It is possible that representatives from Beaming, Inc., may wish to have some dialog with the Board relative to the document. If the Board is comfortable with the draft PILOT, the Administration will forward the document to the Town’s Attorney for his review and comments. The next time the Board sees this document, it should be ready for approval and implementation.

**MOTION:** (Schmidt, Grundman Erdmann) Approve the concept of the PILOT and forward it to the Town’s Attorney for review and comments.  
 CARRIED by 4-0 voice vote.

- J. **Discussion/Recommendation:** – Town Board direction to staff relative to several documented storm water management issues in the area of Sunburst Lane, Sunwood Drive, and Sundew Way, in the Town of Clayton.

The Town Board received copies of material provided to the Town Chair and staff relative to a drainage issue in the area of Sunburst Lane, Sunwood Drive, and Sundew Way in the Town of Clayton. The drainage appears to be related to a lack of maintenance work over time. Specifically, it appears that the Town has not required residents to maintain drainage ditches in a workman-like fashion or, in the alternative, has not completed the required maintenance work itself.

In the Case of Mr. Hyatt, the storm water management system maintenance would only resolve a portion of his problem; the rest would be the property owner’s responsibility. The question is would any work done by Mr. Hyatt suffice if the Town’s storm water management system is not maintained.

The Administration is requesting authorization to prepare a storm water management maintenance proposal that would be completed with Town staff. Once the proposal is prepared, the Board would need to review possible funding sources for the project. If the Board agrees with the Administration’s recommendation, direction to staff to proceed with planning for the project would be in order.

Commented on item: William Weber (7455 Sunwood Drive, Neenah), John Driessin (7428 Sunwood Drive, Neenah), Mike Dietz, Andy Teskae (3159 Sundew Way, Neenah), Jeff Blank (3150 Sundew Way, Neenah)

**MOTION:** (Grundman Erdmann, Schmidt) Authorize the preparation of a storm water management maintenance proposal for the area of Sunburst Lane, Sunwood Drive, and Sundew Way, in the Town of Clayton.  
 CARRIED by 4-0 voice vote.

- K. **Discussion/Recommendation:** – Town Board direction to staff relative to several documented storm water management issues in the area of Fondotto Drive, in the Town of Clayton.

The Town Board received photographs of the Fondotto Drive drainage problems. Again, these problems appear to be related to maintenance issues as opposed to extreme volumes of water. The maintenance issues become apparent when the volumes of water increase rapidly over a short period of time. It appears that the storm water management issue could be solved by directing the storm water west to Oakwood Avenue and then north on the east drainage. There appears to be sufficient grad to accomplish the project without creating unreasonably deep ditches on either side of Fondotto Drive.

Again, the Administration is requesting authorization to prepare a storm water management maintenance proposal that would be completed with Town staff. Once the program is prepared, the Board would need to review possible funding sources for the project. If the Board agrees with the

Administration’s recommendation, direction to staff to proceed with planning for the project would be in order.

Commented on item: John Imobusteg (3270 Fondotto Drive, Neenah)

**MOTION:** (Grundman Erdmann, Lettau) Authorize the preparation of a storm water management project proposal for the area of Fondotto Drive area, in the Town of Clayton.  
CARRIED by 4-0 voice vote.

- L. **Discussion/Recommendation:** – Town Board direction to staff relative to a request by Dennis Lehrer and Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed the Lehrer Lane and the Public Improvements to the Town.

The Town Board received a copy of a letter from Dennis Lehrer and Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed Lehrer Lane and the Public Improvements to the Town. The request should be forwarded to the Town’s Plan Commission for its review and recommendation to the Board. The Administration has advised the Lehrers of the Town’s pending revision to its Minimum Road Standards and that the project would have to meet the new Town standards.

Based upon the Board’s referral, the Plan Commission would be presented with an engineering design proposal that would authorize the Town Engineer to design and prepare bid documents and construction estimates at the petitioner’s cost. Once the design is complete and the project bid, the Board will need to award the bid and proceed with the work. A motion to refer the request to the Plan Commission would be in order.

Present: Dennis Lehrer, Travis J. Lehrer

Commented on item: Joanne Sievert (7383 Murray Road, Neenah), Travis J. Lehrer (8156 Lehrer Lane, Neenah), Burt Drews (3113 CTH II, Neenah)

**MOTION:** (Lettau, Schmidt) Relative to the request by Dennis Lehrer and Travis J. Lehrer to improve Lehrer Lane (a private road) to Town standards and then deed the Lehrer Lane and the Public Improvements to the Town, this be forwarded to the Plan Commission for review and consideration  
840pm  
CARRIED by 4-0 voice vote.

**X. Upcoming Meeting Attendance**

**XI. Board Member Requests for Future Agenda Items – none**

- Supervisor Lettau – Storm water utility

**XII. Approval of Disbursements**

**MOTION:** (Unanimous consent) Approve disbursements as presented.  
CARRIED.

**XIII. Adjournment – 8:43p**

**MOTION:** (Grundman Erdmann, Schmidt) Adjourn.  
CARRIED by 4-0 voice vote.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*